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William H. Waldron

February 1947

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NAZI CONSPIRACY AND AGGRESSION

VOLUME I

Office of United States
Chief of Counsel For Prosecution
of Axis Criminality

DEPARTMENT OF STATE · UNITED STATES OF AMERICA
UNITED STATES OF AMERICA · WAR OFFICE
INTERNATIONAL MILITARY TRIALS · NURNBERG ·

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A Collection of Documentary Evidence and Guide Materials Prepared by the American and British Prosecuting Staffs for Presentation before the International Military Tribunal at Nurnberg, Germany, in the case of

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

— against —

HERMANN WILHELM GOERING, RUDOLF HESS, JOACHIM von RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP von BOHLEN und HALBACH, KARL DOENITZ, ERICH RAEDER, BALDUR von SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ von PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN von NEURATH, and HANS FRITZSCHE, Individually and as Members of Any of the Following Groups or Organizations to which They Respectively Belonged, Namely: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") and including DIE SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA") and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES all as defined in Appendix B of the Indictment,

Defendants.

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PREFACE

I

On the 2d day of May 1945, President Truman signed Executive Order 9547 appointing Justice Robert H. Jackson as Representative of the United States and as its Chief of Counsel in the preparation and prosecution of the case against the major Axis war criminals. Since that date and up to the present, the staff of the Office of Chief of Counsel, or OCC, has been engaged continuously in the discovery, collection, examination, translation, and marshalling of documentary evidence demonstrating the criminality of the former leaders of the German Reich. Since the 20th day of November 1945, a considerable part of this documentary arsenal has been directed against the 22 major Nazi war criminals who are on trial before the International Military Tribunal in Nurnberg. As of this writing the American and British cases-in-chief, on Counts I and II of the Indictment charging, respectively, conspiracy and the waging of wars of aggression, have been completed.

There is perhaps no need to recall in these pages that the Nurnberg trial represents the first time in history that legal proceedings have been instituted against leaders of an enemy nation. It is perhaps equal supererogation to state here that there are no exact precedents for the charges made by the American, British, French, and Russian prosecutors that to plot or wage a war of aggression is a crime for which individuals may be punished. Yet it was because of these very facts that in its indictment the prosecution presented a challenge to itself quite as great as to the defense. A heavy burden was laid on the accusing nations to make sure that their proof measured up to the magnitude of their accusations, and that the daring of their grand conception was matched by the industry of their research, lest the hard-bought opportunity to make International Law a guardian of peace should fail by default.

It is not surprising, therefore, that the American collecting and processing of documentary evidence, under the general direction of Col. Robert G. Storey, gradually developed into an operation of formidable scope. Although some pieces of evidence were secured in Washington and London, by far the greater part was obtained in the land of the enemy. As the American Armies had swept into Germany, military investigating teams had filled document centers with an increasing wealth of materials which were freely made available by the Army to OCC field investigators. Special assistance was given by the Document Section, G–2 Division, SHAEF, and by the Document Sections of the Army Groups and Armies operating in the European Theater. OCC investigators also made valuable discoveries while prospecting on their own. They soon found themselves embarrassed with riches. Perhaps foremost among the prize acquisitions was the neatly crated collection of all the personal and official correspondence of Alfred Rosenberg, together with a great quantity of Nazi Party correspondence. This cache was discovered behind a false wall in an old castle in Eastern Bavaria, where it had been sent for safekeeping. Another outstanding collection consisted of thirty-nine leather-bound volumes containing detailed inventories of the art treasures of Europe which had been looted by the *Einsatzstab Rosenberg*. These catalogues, together with much of the priceless plunder itself, were found hidden deep in an Austrian salt mine. An innocent-appearing castle near Marburg was found to contain some 485 tons of crated papers, which inspection revealed to be the records of the German Foreign Office from 1837 to 1944. Among other outstanding bulk acquisitions were more than 300 crates of German High Command files, 85 notebooks containing minutes of Hitler's conferences, and the complete files of the German Navy.

The task was to screen thoroughly this abundance of material so as to overlook no relevant item, and yet at the same time to obtain the proof and to translate it in season, so as not to delay preparation of the Indictment or commencement of the trial. The procedures followed in this process are described in the affidavit of Maj. William H. Coogan *(001–A–PS)*, which is listed numerically among the documents. As a result of those procedures, more than 100,000 documents were individually examined in order to segregate those of importance. Of these 100,000 documents, approximately 4,000 were found to be of clear or potential value. This group of 4,000 was further reduced through exacting standards of elimination to a total of some 2,000 documents which it was proposed to offer in evidence, and which make up the bulk of this publication. Thus, the documents presented in these volumes are the fittest survivors of a rigorous sifting. Each of them has met requirements designed to ensure the selection of only the most significant in bearing on the American case. Documents primarily concerned with the report of individual barbarities or perversions were excluded, in conformity with the emphasis placed upon those tending to prove elements in the Nazi Master Plan.

These documents consist, in the main, of official papers found in archives of the German Government and Nazi Party, diaries and letters of prominent Germans, and captured reports and orders. There are included, in addition, excerpts from governmental and Party decrees, from official newspapers and from authoritative German publications. The authenticity of all these materials is established by Maj. Coogan's affidavit (*001–A–PS*). Considered together, they reveal a fairly comprehensive view of the inner workings and outward deeds of the German government and of the Nazy Party, which were always concealed from the world, and for which the world will always hold the Hitler regime in horror and contempt.

II

It is important that it be clearly understood what this collection of documents is not. In the first place, it is neither an official record nor an unofficial transcript of the trial proceedings. It is not designed to reproduce what has taken place in court. It is merely the documentary evidence prepared by the American and British prosecuting staffs, and is in no wise under the sponsorship of the Tribunal. It is presented in the belief that this collection containing the full text of the documents, classified under appropriate subjects, may be more useful to students of the Nurnberg trial than the official record, when prepared, may be.

The reason for this goes back to the first few days of the trial, when the Tribunal ruled that it would treat no written matter as in evidence unless it was read in full, word by word, in court. The purpose of the ruling was to enable the documentary material which the American and British staffs had translated from German into English to be further translated into Russian and French through the simultaneous interpreting system in the courtroom. The consequence, however, was to enforce upon the American and British prosecution the task of trimming their evidence drastically unless the trial was to be protracted to an unconscionable length. Counsel therefore had to content themselves in most instances with introducing, by reading *verbatim*, only the most vital parts of the documents relied upon. Only these evidentiary minima appear in the daily transcript, and presumably, since no more is officially in evidence under the Tribunal's ruling, no more can properly be included in the official record. It has frequently been the case, furthermore, that different parts of certain documents were read in proof of different allegations, and hence are scattered throughout the transcript. American counsel, in several instances, read only sketchy portions of some documents, leaving other portions, at the request of the French and Soviet delegations, to be read later as a part of their case. Still other portions of the same document will undoubtedly be read later on by the defense. It is an unavoidable consequence that the transcript itself will be a thing of shreds and patches, and that any comprehensive and orderly notion of the documentary evidence must be obtained elsewhere. The documentary excerpts, when accompanied by the explanation of trial counsel, are of course sufficient for the trial and for the judgment of the Tribunal. But the purposes of historians and scholars will very likely lead them to wish to examine the documents in their entirety. It is to those long-range interests that these volumes are in the main addressed.

Secondly, this collection of documents is not the American case. It is at once more and less than that. It is less, because it of course cannot include the captured motion picture and still photographic evidence relied upon, and because it contains only a few of the organizational charts and visual presentation exhibits utilized at the trial. It is more, because although it does contain all the evidence introduced either in part or in whole by the American staff in proof of Count I, it also includes many documents not introduced into evidence at all. There were various reasons for not offering this material to the Tribunal: the documents were cumulative in nature, better documents were available on the same point, or the contents did not justify the time required for reading. (The document index at the end of Volume VIII is marked to indicate which documents were introduced, either in whole or in part, in evidence.) Of more than 800 American documents so far introduced in evidence, a small number were received through judicial notice or oral summarization, while some 500 were read, in part or in whole, in court. Approximately 200 more went into evidence in the first few days of the trial, under an earlier ruling of the Tribunal which admitted documents without reading, and merely on filing with the court after proof of authenticity. Of the documents not now in evidence and thus not before the Tribunal for consideration in reaching its decision, many have been turned over to the French and Soviet prosecuting staffs and, by the time these volumes are published, will have been introduced in the course of their cases. Others will have been put before the Tribunal by the American case in rebuttal or utilized in cross-examining witnesses called by the defense.

This publication includes a series of affidavits prepared under the direction of Col. John Harlan Amen, chief of the OCC Interrogation Division. Those which were introduced into evidence are listed among the documents in the *PS* series. A number of affidavits which were not offered to the Tribunal are printed in a separate section at the end of the document series. Affidavits of the latter type were prepared in an attempt to eliminate surprise by delineating clearly the testimony which the affiant might be expected to give in court, should it be decided to call him as a witness. In the case of the affiants who testified in court, their affidavits represent a substantially accurate outline of their testimony on direct examination. Others of the affiants may, by the time of publication, have been called as rebuttal witnesses for the prosecution. In addition, there are included selected statements of certain defendants and prisoners written to the prosecutors from prison. It should be mentioned in this connection that as a result of many months of exhaustive questioning of the defendants, prisoners of war, and other potential witnesses, the Interrogation Division has harvested approximately 15,000 typewritten pages of valuable and previously unavailable information on a variety of subjects. These extensive transcripts represent approximately 950 individual interrogations and are presently being edited and catalogued in Nurnberg so that the significant materials may be published in a useful form and within a manageable scope, as a supplement to these present volumes.

This collection also includes approximately 200 documents obtained and processed by the British prosecuting staff, known as the British War Crimes Executive, and presented in substantiation of Count II of the Indictment, which the British delegation assumed the responsibility of proving. It seems altogether fitting that these documents should be included in these volumes since, in proving illegal acts of aggression, they naturally supplement the American documents proving the illegal conspiracy to commit aggression. The American prosecuting staff is grateful to Sir David Maxwell-Fyfe, the British Deputy Chief Prosecutor, from whom and from the goodly company of whose associates there has ever been the most generous cooperation, for consent to the publication of the British documents by the United States Government.

Under the division of the case agreed on by the Chief Prosecutors of the four Allied nations, the French and Soviet delegates are responsible for the presentation of evidence bearing on the proof of Count III (War Crimes) and Count IV (Crimes against Humanity) of the Indictment. The French case will concern itself with these crimes when committed in the West, while the Russian evidence will concern the commission of these crimes in the East. None of the documents obtained by these two prosecuting nations are included in these volumes. The reason is that, at this writing, the French case has just commenced and the Soviet case will not be reached for several weeks. Since one of the objects of this undertaking is to acquaint the American public at the earliest opportunity with the character of the evidence produced by its representatives, there seems no justification in delaying publication until the close of the French and Russian cases, when all the prosecution documents will be available. As is indicated by the title of these present volumes, *Nazi Conspiracy and Aggression,* this collection relates only to Counts I and II of the Indictment, or one-half of the prosecution case. It is to be hoped, however, that supplementary volumes containing the French and Soviet documents may be published at a later time.

Finally, this collection, by its nature limited to a part of the prosecution case, does not of course purport to present the whole story of the evidence adduced at Nurnberg. The evidence and arguments of defense counsel will not be presented for some time, and the text of these matters will, if possible, be included in any additional volumes, which it may become possible to publish.

III

On the other hand, it may be useful to indicate what this collection is. The publication is offered in accordance with the conviction which has constantly animated the American prosecution, that only a part of its duty would have been done if it succeeded in persuading the judges of the International Military Tribunal. Its full task will be accomplished only if the world is also convinced of the justness of the cause. There were always some people who, perhaps under the spell of the exposure of the "atrocity propaganda" used in the First World War, felt that the deceptions and the outrages laid to the Nazis were quite possibly untrue and in any event exaggerated. The mission of convincing these skeptics is one that has not been and cannot be discharged by newspaper reports of the Nurnberg proceedings, which by their nature are incomplete and evanescent. But an inspection of the Nazis' own official records should suffice to banish all honest doubts, and to make it undeniably clear that those things really happened because the Nazis planned it that way. It is the hope of the American prosecution that these volumes may in some measure expose, for the warning of future generations as well as a reminder to the present, the anatomy of National Socialism in all its ugly nakedness. Many of these documents disclose the repressive governmental machinery and intricate Party bureaucracy by which the Nazis stifled initiative and opposition. They reveal also the image of horror which a gang of brigands created in the name of the German state, in order to seize and maintain power for themselves at the expense of the liberties of their own people and the lives of their neighbors. Legal proof has perhaps seldom been so overwhelming, certainly never so self-admitted, as is this proof of the deeds with which the Nazi leadership befouled the earth.

Yet, although these documents naturally are concerned primarily with the guilt of the leaders of the German Reich, they also contain a wealth of information, much of it hitherto unavailable elsewhere, on many other matters of importance. Their pages illuminate many dark corners of recent history. Hence, this collection has an additional purpose. It is offered as a source book, of interest to historians, political scientists, students, universities, libraries, government agencies, private research groups, newspaper editors, and others, so that they may see, from the official papers of the Nazi government and from the words of its own leaders, the things that went on in Germany in the days of that blasphemous regime. These papers, although they include a few legal matters, are not addressed nor are they expected to appeal primarily to lawyers. The satisfaction of these professional interests must perforce be postponed until publication of the official record of the trial.

IV

It is apparent that such a vast collection of documents on a variety of subjects would be useless to any one not thoroughly conversant with the field, without some sort of guide through the maze. That is the reason for the first two volumes, which consist of various explanatory materials included in order to facilitate understanding. The average reader who tries to cope with some of the more pompous of the Nazi titles—such as *Beauftragter des Fuehrers fuer die ueberwachung des Gesamten Geistigen und Weltausschaulichers Schulung und Erziehung der NSDAP*, or Delegate of the Fuehrer for the Total Supervision of Intellectual and Ideological Training and Education of the Party (Rosenberg)—is plainly in need of assistance. A Glossary of common German and Nazi titles, designations, and terms has therefore been compiled. For those who are unfamiliar with the difference between a *Hauptmann* and a *Hauptsturmfuehrer*, a table of military ranks, with their American equivalents, has been prepared. A brief biographical gazeteer of the more prominent Nazis, together with a listing of the major officials of the Government, Party, and Armed Forces, has also been included for reference purposes. In addition, an index of the Code-Words used by the Nazis to preserve the secrecy of the invasions they plotted has been compiled. Moreover, in order to make clear developments in the proceedings affecting the status of several of the defendants, certain motions of counsel and rulings of the Tribunal, together with factual accounts, are also presented. And finally the international treaties relating to land warfare and prisoners of war are printed in full (*3737–PS; 3738–PS*).

The principal content of Volumes I and II is composed of what might be called essays, summarizing and connecting up most of the documents relating to particular subjects in the order of their mention in Counts I and II of the Indictment. As an additional aid, at the end of each essay there appears a descriptive list of all documents referred to in the essay, so that the reader may quickly discover which of the published documents bear upon the subject in which he is interested. In many cases these lists include documents not discussed in the essays for the reason that they are cumulative in nature or were discovered subsequent to the preparation of the essays.

Some of these essays are adaptations of factual "trial briefs" prepared by the staff of OCC. Some of these "trial briefs" were handed to the Tribunal for its assistance, while others were used only for the guidance of trial counsel. Others of the essays have been adapted from the oral presentation and summary of counsel in court. Their difference in origin explains their difference in form. It must be borne in mind that each of these essays, which were originally prepared for the purpose of convincing the Tribunal of the legal guilt of the defendants, has been submitted to a process of editing and revision in order to serve a quite different purpose—to give the general reader a general and coherent conception of the subject matter.

These essays bear the marks of haste and are not offered as in any sense definitive or exhaustive. The task of translation from German into English was a formidable one, and in many instances translations of documents could be made available to the brief-writers only a few days before the briefs were scheduled to be presented in court. In other instances it was utterly impossible, with the constantly overburdened translating staff available, to translate in full all the material known to be of value if the prosecution was to be ready on the date set for trial. The diary of Hans Frank, for example *(2233–PS)* consisted of 42 volumes, of which only a few outstanding excerpts, chosen by German-reading analysts, were translated. Similarly, large portions of the 250 volumes of the Rosenberg correspondence remain still untranslated and unused. Books, decrees, and lengthy reports were not translated in full, and only salient excerpts were utilized. Approximately 1,500 documents in the possession of OCC have not yet been translated and more are being received daily. It is expected that they will be used for purposes of cross-examination and rebuttal, and may later be published.

It must also be remembered that these documents are, in the main, translations from the original German. The magnitude of the task, coupled with a sense of the hastening on of time, naturally resulted in imperfections. However, an attempt has been made to preserve the format of the original documents in the printed translations. Italics represent underlining in the original documents and editorial additions have been enclosed in brackets. The reader may notice occasional variations between the English wording of documents quoted in the essays, and the full text of the document itself. This divergence is explained by the fact that translations of the same documents were sometimes made by two different persons. Variations in the exact means of expression were of course to be expected in such an event, yet both translations are of equal authenticity. Certain passages of some documents may strike the reader as confused or incomplete, and occasionally this is the result of hasty work. More frequently, however the jumble of language accurately reflects the chaos of the original German, for the language of National Socialists was often merely a turgid and mystical aggregation of words signifying nothing, to which the German language easily lends itself. The accuracy of the translations is attested to in Maj. Coogan's affidavit *(001-A-PS)*.

If the case had not been set down for trial until 1948, a complete and satisfactory preparation would have been possible. A perfect case could not have been made in less time. But the Allied governments and public opinion were understandably impatient of delay for whatever reason, and they had to be respected. The nature of the difficulties caused by the pressure for speed were stated in Justice Jackson's address opening the American case:

> "In justice to the nations and the men associated in this prosecution, I must remind you of certain difficulties which may leave their mark on this case. Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole Continent, and involving a score of nations, countless individuals, and innumerable events. Despite the magnitude of the task, the world has demanded immediate action. This demand has had to be met, though perhaps at the cost of finished craftsmanship. In my country, established courts, following familiar procedures, applying well thumbed precedents, and dealing with the legal consequences of local and

> limited events, seldom commence a trial within a year of the event in litigation. Yet less than eight months ago today the courtroom in which you sit was an enemy fortress in the hands of German SS troops. Less than eight months ago nearly all our witnesses and documents were in enemy hands. The law had not been codified, no procedures had been established, no Tribunal was in existence, no usable courthouse stood here, none of the hundreds of tons of official German documents had been examined, no prosecuting staff had been assembled, nearly all the present defendants were at large, and the four prosecuting powers had not yet joined in common cause to try them. I should be the last to deny that the case may well suffer from incomplete researches and quite likely will not be the example of professional work which any of the prosecuting nations would normally wish to sponsor. It is, however, a completely adequate case to the judgment we shall ask you to render, and its full development we shall be obliged to leave to historians."

V

No work in a specialized field would be complete without its own occult paraphernalia, and the curious reader may desire an explanation of the strange wizardry behind the document classification symbols. The documents in the American series are classified under the cryptic categories of *"L," "R," "PS," "EC," "ECH," "ECR,"* and *"C."* The letter *"L"* was used as an abbreviation for "London," and designates those documents either obtained from American and British sources in London or processed in the London Office of the OCC, under the direction of Col. Murray C. Bernays and Col. Leonard Wheeler, Jr. The letter *"R"* stands for "Rothschild," and indicates the documents obtained through the screening activities of Lt. Walter Rothschild of the London branch of OSS. The origins of the *"PS"* symbol are more mysterious, but the letters are an abbreviation of the amalgam, "Paris-Storey." The *"PS"* symbol, accordingly, denotes those documents which, although obtained in Germany, were processed by Col. Storey's division of the OCC in Paris, as well as those documents later processed by the same division after headquarters were established in Nurnberg. The *"EC"* symbol stands for "Economic Case" and designates those documents which were obtained and processed by the Economic Section of OCC under Mr. Francis M. Shea, with field headquarters at Frankfurt. The *"ECH"* variant denotes those which were screened at Heidelberg. The letter *"C,"* which is an abbreviation for "Crimes," indicates a collection of German Navy documents which were jointly processed by British and American teams, with Lt. Comdr. John Bracken representing the OCC.

The British documents hence include some in the joint Anglo-American *"C"* series. The remainder of the British documents are marked with the symbols *"TC," "UK," "D,"* and *"M."* The symbol *"TC"* is an abbreviation of "Treaty Committee" and signifies the documents selected by a Foreign Office Committee which assisted the British prosecution. *"UK"* is the abbreviation for "United Kingdom" and indicates documents collected from another source. No especial significance lurks in the letters *"D,"* and *"M,"* which were apparently the result of accident, possibly caprice, rather than design. As a matter of record, however, *"M"* stands for the first name of the British assistant prosecutor. Finally, *"D"* is merely an humble filing reference, which may have had some obscure connection with the word "document."

The reader will note that there are numerous and often lengthy gaps in the numbering of documents within a given series, and the documents are not numbered in any apparent order. This anomaly is accounted for by several different factors. As the documents avalanched into the OCC offices they were catalogued and numbered in the order received without examination. Upon subsequent analysis it was frequently found that an earlier document was superseded in quality by a later acquisition, and the earlier one was accordingly omitted. Others were withdrawn because of lack of proof of their authenticity. Occasionally it was discovered that two copies of the same document had been received from different sources, and one of them was accordingly stricken from the list. In other cases blocks of numbers were assigned to field collecting teams, which failed to exhaust all the numbers allotted. In all these cases no change was made in the original numbers because of the delay and confusion which would accompany renumbering. Nor has renumbering been attempted in this publication, and the original gaps remain. This is because the documents introduced into evidence carried their originally assigned numbers, and students of the trial who use these volumes in conjunction with the official record will therefore be able to refer rapidly from citations in the record of the proceedings to the text of the documents cited.

VI

It only remains to acknowledge the toil and devotion of the members of the OCC staff who were responsible for the original preparation of the materials contained in these volumes. Mention must first be made of Mr. Gordon Dean, who was responsible in large part for the conception of this undertaking, and of Lt. Comdr. Charles A. Horsky, USCGR(T) who set in motion the governmental machinery necessary to publication.

The material in Chapter VI on the Organization of the Nazi Party and State was originally prepared by Mr. Ralph G. Albrecht.

The essays in Chapter VII on the Means Used by the Nazi Conspirators in Gaining Control of the German State were originally prepared by Col. Leonard Wheeler, Jr., Lt. Col. Benjamin Kaplan, Maj. Frank B. Wallis, Dr. Edmund A. Walsh, Maj. Seymour M. Peyser, Maj. J. Hartley Murray, Lt. Paul Johnston, USNR, Lt. Comdr. Morton E. Rome, USNR, Capt. D. A. Sprecher, Lt. Samuel E. Sharp, Lt. (jg) A. R. Martin, USNR, Lt. Henry V. Atherton, and Lt. William E. Miller.

The materials on the Economic Aspects of the Conspiracy, contained in Chapter VIII, on Slave Labor, contained in Chapter X, and on Germanization and Spoliation, contained in Chapter XIII, were prepared by Mr. Francis M. Shea, Mr. Benedict Deinard, Lt. Col. Murray I. Gurfein, Lt. Comdr. W. S. Emmet, USNR, Lt. Thomas L. Karsten, USNR, Capt. Sam Harris, Capt. James H. Mathias, Capt. Melvin Siegel, Capt. Edward H. Kenyon, Lt. (jg) Bernard Meltzer, USNR, Lt. (jg) Brady O. Bryson, USNR, Lt. Raymond Ickes, USMCR, Mr. Jan Charmatz, Mr. Walter Derenberg, Mr. Sidney Jacoby, Mr. Werner Peiser, Mr. Edgar Bodenheimer, and Mr. Leon Frechtel.

The materials contained in Chapter IX on Aggressive War, (except those relating to Aggression as a Basic Nazi Idea, the Violation of Treaties, and Aggression against Poland, Danzig, England and France, Norway and Denmark, the Low Countries, and the Balkans) were prepared by Mr. Sidney S. Alderman, Comdr. Sidney J. Kaplan, USCGR, Lt. Col. Herbert Krucker, Maj. Lacey Hinely, Maj. Joseph Dainow, Lt. Comdr. Harold Leventhal, USCGR, Lt. John M. Woolsey, Jr., USNR, Lt. James A. Gorrell, and Lt. Roy H. Steyer, USNR.

The materials contained in Chapter XII, on Persecution of the Jews, in Chapter XI on Concentration Camps, and in Chapter XIV on Plunder of Art Treasures, were prepared by Col. Hardy Hollers, Maj. William F. Walsh, Mr. Thomas J. Dodd, Capt. Seymour Krieger, Lt. Frederick Felton, USNR, Lt. (jg) Brady O. Bryson, USNR, Mr. Hans Nathan, Mr. Isaac Stone, Lt. Daniel F. Margolies, Capt. Edgar Boedeker, Lt. (jg) Bernard Meltzer, USNR, Lt. Nicholas Doman, and Mr. Walter W. Brudno.

The materials contained in Chapter XVI on the responsibility of the Individual Defendants were prepared by Col. Howard Brundage, Mr. Ralph G. Albrecht, Dr. Robert M. W. Kempner, Lt. Col. William H. Baldwin, Maj. Seymour M. Peyser, Maj. Joseph D. Bryan, Capt. D. A. Sprecher, Capt. Norman Stoll, Capt. Robert Clagett, Capt. John Auchincloss, Capt. Seymour Krieger, Lt. Whitney R. Harris, USNR, Lt. Frederick Felton, USNR, Lt. Henry V. Atherton, Lt. Richard Heller, USNR, Mr. Henry Kellerman, Mr. Frank Patton, Mr. Karl Lachmann, Mr. Bert Heilpern, Mr. Walter Menke, Mr. Joseph Michel, Mr. Walter W. Brudno, Mrs. Katherine Walch, Miss Harriet Zetterberg, Lt. (jg) Brady O. Bryson, USNR, and Capt. Sam Harris.

The materials contained in the first six sections of Chapter XV on the Criminal Organizations were prepared by Lt. Col. George E. Seay, Maj. Warren F. Farr, Lt. Comdr. Wm. S. Kaplan, USNR, Lt. Whitney R. Harris, USNR, Miss Katherine Fite, Maj. Robert G. Stephens, Lt. Thomas F. Lambert, Jr., USNR, and Mr. Charles S. Burdell.

The materials contained in Section 7 of Chapter XV on the General Staff and High Command were prepared on behalf of the American delegation by Col. Telford Taylor, Maj. Loftus Becker, Maj. Paul Neuland, Capt. Walter Rapp, Capt. Seymour Krieger, and Mr. Charles Kruszeawski; with the assistance of a British staff made jointly available to both the American and British delegations, consisting of W/Cdr. Peter Calvocoressi, RAFVR, Maj. Oliver Berthoud, IC, Lt. Michael Reade, RNVR, F/Lt. George Sayers, RAFVR, S/O Barbara Pinion, WAAF, W/O Mary Carter, WAAF, and Miss Elizabeth Stewart.

The charts reproduced are among those introduced by the prosecution, and were designed and executed by presentation specialists assigned to OCC by the Office of Strategic Services, and headed by David Zablodousky under the direction of Comdr. James B. Donovan, USNR.

Acknowledgment must also be made of the very effective labors of the British delegation in preparing those materials in Chapter IX on Aggressive War relating to Aggression as a Basic Nazi Idea, the Violation of Treaties, and the Aggressions against Poland, Danzig, England and France, Norway and Denmark, the Low Countries, and the Balkans, as well as the materials in sections on Individual Defendants relating to Streicher, Raeder, Doenitz, Neurath, and Ribbentrop. This share of the common task was borne by Sir David Maxwell-Fyfe, K.C., M.P., Mr. Geoffrey D. Roberts, K.C., Lt. Col. J. M. G. Griffith-Jones, M.C., Col. Harry J. Phillimore, O.B.E., and Maj. Elwyn Jones, M.P.

The British opening address was delivered by the Attorney General and chief of the British delegation, Sir Hartley Shawcross, K.C., M.P.

Recognition is also due to Maj. F. Jay Nimitz, Miss Alma Soller, and Miss Mary Burns, for their loyal and capable assistance in all the harassing details of compiling, editing and indexing these numerous papers.

One final word should be said in recognition of the financial burden assumed by the State and War Departments, which have generously joined in allocating from their budgets the very considerable funds required to make this publication possible.

Roger W. Barrett, Captain, JAGD
William E. Jackson, Lieutenant (jg), USNR
Editors

Approved:

Robert H. Jackson
Chief of Counsel
Nurnberg, 20 January 1946.

Chapter I

AGREEMENT BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA; THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC, THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS FOR THE PROSECUTION AND PUNISHMENT OF THE MAJOR WAR CRIMINALS OF THE EUROPEAN AXIS.

WHEREAS the United Nations have from time to time made declarations of their intention that War Criminals shall be brought to justice;

AND WHEREAS the Moscow Declaration of the 30th October 1943 on German atrocities in Occupied Europe stated that those German Officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in atrocities and crimes will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments that will be created therein;

AND WHEREAS this Declaration was stated to be without prejudice to the case of major criminals whose offenses have no particular geographic location and who will be punished by the joint decision of the Governments of the Allies;

NOW THEREFORE the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics (hereinafter called "the Signatories") acting in the interests of all the United Nations and by their representatives duly authorized thereto have concluded this Agreement.

Article 1. There shall be established after consultation with the Control Council for Germany an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location whether they be accused individually or in their capacity as members of organizations or groups or in both capacities.

Article 2. The constitution, jurisdiction and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement, which Charter shall form an integral part of this Agreement.

Article 3. Each of the Signatories shall take the necessary steps to make available for the investigation of the charges and trial the major war criminals detained by them who are to be tried by the International Military Tribunal. The Signatories shall also use their best endeavors to make available for investigation of the charges against and the trial before the International Military Tribunal such of the major war criminals as are not in the territories of any of the Signatories.

Article 4. Nothing in this Agreement shall prejudice the provisions established by the Moscow Declaration concerning the return of war criminals to the countries where they committed their crimes.

Article 5. Any Government of the United Nations may adhere to this Agreement by notice given through the diplomatic channel to the Government of the United Kingdom, who shall inform the other signatory and adhering Governments of each such adherence.

Article 6. Nothing in this Agreement shall prejudice the jurisdiction or the powers of any national or occupation court established or to be established in any allied territory or in Germany for the trial of war criminals.

Article 7. This Agreement shall come into force on the day of signature and shall remain in force for the period of one year and shall continue thereafter, subject to the right of any Signatory to give, through the diplomatic channel, one month's notice of intention to terminate it. Such termination shall not prejudice any proceedings already taken or any findings already made in pursuance of this Agreement.

IN WITNESS WHEREOF the Undersigned have signed the present Agreement.

DONE in quadruplicate in London this 8th day of August 1945 each in English, French and Russian, and each text to have equal authenticity.

For the Government of the United States of America
[signed] ROBERT H. JACKSON

For the Provisional Government of the French Republic
[signed] ROBERT FALCO

For the Government of the United Kingdom of Great Britain
and Northern Ireland
[signed] JOWITT C.

For the Government of the Union of Soviet
Socialist Republics
[signed] I. T. NIKITCHENKO
[signed] A. N. TRAININ

Chapter II

CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL

I. CONSTITUTION OF THE INTERNATIONAL MILITARY TRIBUNAL

Article 1. In pursuance of the Agreement signed on the 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.

Article 2. The Tribunal shall consist of four members, each with an alternate. One member and one alternate shall be appointed by each of the Signatories. The alternates shall, so far as they are able, be present at all sessions of the Tribunal. In case of illness of any member of the Tribunal or his incapacity for some other reason to fulfill his functions, his alternate shall take his place.

Article 3. Neither the Tribunal, its members nor their alternates can be challenged by the prosecution, or by the Defendants or their Counsel. Each Signatory may replace its member of the Tribunal or his alternate for reasons of health or for other good reasons, except that no replacement may take place during a Trial, other than by an alternate.

Article 4.

(*a*) The presence of all four members of the Tribunal or the alternate for any absent member shall be necessary to constitute the quorum.

(*b*) The members of the Tribunal shall, before any trial begins, agree among themselves upon the selection from their number of a President, and the President shall hold office during that trial, or as may otherwise be agreed by a vote of not less than three members. The principle of rotation of presidency for successive trials is agreed. If, however, a session of the Tribunal takes place on the territory of one of the four Signatories, the representative of that Signatory on the Tribunal shall preside.

(*c*) Save as aforesaid the Tribunal shall take decisions by a majority vote and in case the votes are evenly divided, the vote of the President shall be decisive: provided always that convictions and sentences shall only be imposed by affirmative votes of at least three members of the Tribunal.

Article 5. In case of need and depending on the number of the matters to be tried, other Tribunals may be set up; and the establishment, functions, and procedure of each Tribunal shall be identical, and shall be governed by this Charter.

II. JURISDICTION AND GENERAL PRINCIPLES

Article 6. The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(*a*) CRIMES AGAINST PEACE: namely, planning, preparation, initiation, or waging of war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(*b*) WAR CRIMES: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(*c*) CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; or persecution on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Article 7. The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Article 8. The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires.

Article 9. At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard.

Article 10. In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned.

Article 11. Any person convicted by the Tribunal may be charged before a national, military or occupation court, referred to in Article 10 of this Charter, with a crime other than of membership in a criminal group or organization and such court may, after convicting him, impose upon him punishment independent of and additional to the punishment imposed by the Tribunal for participation in the criminal activities of such group or organization.

Article 12. The Tribunal shall have the right to take proceedings against a person charged with crimes set out in Article 6 of this Charter in his absence, if he has not been found or if the Tribunal, for any reason, finds it necessary, in the interests of justice, to conduct the hearing in his absence.

Article 13. The Tribunal shall draw up rules for its procedure. These rules shall not be inconsistent with the provisions of this Charter.

III. COMMITTEE FOR THE INVESTIGATION AND PROSECUTION OF MAJOR WAR CRIMINALS

Article 14. Each Signatory shall appoint a Chief Prosecutor for the investigation of the charges against and the prosecution of major war criminals.

The Chief Prosecutors shall act as a committee for the following purposes:

(*a*) to agree upon a plan of the individual work of each of the Chief Prosecutors and his staff,
(*b*) to settle the final designation of major war criminals to be tried by the Tribunal,
(*c*) to approve the Indictment and the documents to be submitted therewith,
(*d*) to lodge the Indictment and the accompanying documents with the Tribunal,
(*e*) to draw up and recommend to the Tribunal for its approval draft rules of procedure, contemplated by Article 13 of this Charter. The Tribunal shall have power to accept, with or without amendments, or to reject, the rules so recommended.

The Committee shall act in all the above matters by a majority vote and shall appoint a Chairman as may be convenient and in accordance with the principle of rotation: provided that if there is an equal division of vote concerning the designation of a Defendant to be tried by the Tribunal, or the crimes with which he shall be charged, that proposal will be adopted which was made by the party which proposed that the particular Defendant be tried, or the particular charges be preferred against him.

Article 15. The Chief Prosecutors shall individually, and acting in collaboration with one another, also undertake the following duties:

(*a*) investigation, collection and production before or at the Trial of all necessary evidence,
(*b*) the preparation of the Indictment for approval by the Committee in accordance with paragraph (*c*) of Article 14 hereof,
(*c*) the preliminary examination of all necessary witnesses and of the Defendants,
(*d*) to act as prosecutor at the Trial,

(*e*) to appoint representatives to carry out such duties as may be assigned to them,
(*f*) to undertake such other matters as may appear necessary to them for the purposes of the preparation for and conduct of the Trial.

It is understood that no witness or Defendant detained by any Signatory shall be taken out of the possession of that Signatory without its assent.

IV. FAIR TRIAL FOR DEFENDANTS

Article 16. In order to ensure fair trial for the Defendants, the following procedure shall be followed:

(*a*) The Indictment shall include full particulars specifying in detail the charges against the Defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the Defendant at a reasonable time before the Trial.
(*b*) During any preliminary examination or trial of a Defendant he shall have the right to give any explanation relevant to the charges made against him.
(*c*) A preliminary examination of a Defendant and his Trial shall be conducted in or translated into, a language which the Defendant understands.
(*d*) A defendant shall have the right to conduct his own defense before the Tribunal or to have the assistance of Counsel.
(*e*) A defendant shall have the right through himself or through his Counsel to present evidence at the Trial in support of his defense, and to cross-examine any witness called by the Prosecution.

V. POWERS OF THE TRIBUNAL AND CONDUCT OF THE TRIAL

Article 17. The Tribunal shall have the power

(*a*) to summon witnesses to the Trial and to require their attendance and testimony and to put questions to them,
(*b*) to interrogate any Defendant,
(*c*) to require the production of documents and other evidentiary material,
(*d*) to administer oaths to witnesses,
(*e*) to appoint officers for the carrying out of any task designated by the Tribunal including the power to have evidence taken on commission.

Article 18. The Tribunal shall

(*a*) confine the Trial strictly to an expeditious hearing of the issues raised by the charges,

(*b*) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever,

(*c*) deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any Defendant or his Counsel from some or all further proceedings, but without prejudice to the determination of the charges.

Article 19. The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure, and shall admit any evidence which it deems to have probative value.

Article 20. The Tribunal may require to be informed of the nature of any evidence before it is offered so that it may rule upon the relevance thereof.

Article 21. The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the acts and documents of the committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military or other Tribunals of any of the United Nations.

Article 22. The permanent seat of the Tribunal shall be in Berlin. The first meetings of the members of the Tribunal and of the Chief Prosecutors shall be held at Berlin in a place to be designated by the Control Council for Germany. The first trial shall be held at Nurnberg, and any subsequent trials shall be held at such places as the Tribunal may decide.

Article 23. One or more of the Chief Prosecutors may take part in the prosecution at each Trial. The function of any Chief Prosecutor may be discharged by him personally, or by any person or persons authorized by him.

The function of Counsel for a Defendant may be discharged at the Defendant's request by any Counsel professionally qualified to conduct cases before the Courts of his own country, or by any other person who may be specially authorized thereto by the Tribunal.

Article 24. The proceedings at the Trial shall take the following course:

(*a*) The Indictment shall be read in court.
(*b*) The Tribunal shall ask each Defendant whether he pleads "guilty" or "not guilty".
(*c*) The prosecution shall make an opening statement.
(*d*) The Tribunal shall ask the prosecution and the defense what evidence (if any) they wish to submit to the Tribunal, and the Tribunal shall rule upon the admissibility of any such evidence.
(*e*) The witnesses for the Prosecution shall be examined and after that the witnesses for the Defense. Thereafter such rebutting evidence as may be held by the Tribunal to be admissible shall be called by either the Prosecution or the Defense.
(*f*) The Tribunal may put any question to any witness and to any Defendant, at any time.
(*g*) The Prosecution and the Defense shall interrogate and may cross-examine any witnesses and any Defendant who gives testimony.
(*h*) The Defense shall address the court.
(*i*) The Prosecution shall address the court.
(*j*) Each Defendant may make a statement to the Tribunal.
(*k*) The Tribunal shall deliver judgment and pronounce sentence.

Article 25. All official documents shall be produced, and all court proceedings conducted, in English, French, and Russian, and in the language of the Defendant. So much of the record and of the proceedings may also be translated into the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion.

VI. JUDGMENT AND SENTENCE

Article 26. The judgment of the Tribunal as to the guilt or the innocence of any Defendant shall give the reasons on which it is based, and shall be final and not subject to review.

Article 27. The Tribunal shall have the right to impose upon a Defendant on conviction, death or such other punishment as shall be determined by it to be just.

Article 28. In addition to any punishment imposed by it, the Tribunal shall have the right to deprive the convicted person of any stolen property and order its delivery to the Control Council for Germany.

Article 29. In case of guilt, sentences shall be carried out in accordance with the orders of the Control Council for Germany, which may at any time reduce or otherwise alter the sentences, but may not increase the severity thereof. If the Control Council for Germany, after any Defendant has been convicted and sentenced, discovers fresh evidence which, in its opinion, would found a fresh charge against him, the Council shall report accordingly to the Committee established under Article 14 hereof, for such action as they may consider proper, having regard to the interests of justice.

VII. EXPENSES

Article 30. The expenses of the Tribunal and of the Trials, shall be charged by the Signatories against the funds allotted for maintenance of the Control Council for Germany.

PROTOCOL

Whereas an Agreement and Charter regarding the Prosecution of War Criminals was signed in London on the 8th August 1945, in the English, French and Russian languages.

And whereas a discrepancy has been found to exist between the originals of Article 6, paragraph (*c*), of the Charter in the Russian language, on the one hand, and the originals in the English and French languages, on the other, to wit, the semi-colon in Article 6, paragraph (*c*), of the Charter between the words "war" and "or", as carried in the English and French texts, is a comma in the Russian text.

And whereas it is desired to rectify this discrepancy:

NOW, THEREFORE, the undersigned, signatories of the said Agreement on behalf of their respective Governments, duly authorized thereto, have agreed that Article 6, paragraph (*c*), of the Charter in the Russian text is correct, and that the meaning and intention of the Agreement and Charter require that the said semicolon in the English text should be changed to a comma, and that the French text should be amended to read as follows:

(*c*) *LES CRIMES CONTRE L'HUMANITE:* c'est a dire l'assassinat, l'extermination, la reduction en esclavage, la deportation, et tout autre acte inhumain

> commis contre toutes populations civiles, avant ou pendant la guerre, ou bien les persecutions pour des motifs politiques, raciaux, ou religieux, lorsque ces actes ou persecutions, qu'ils aient constitue ou non une violation du droit interne du pays ou ils ont ete perpetres, ont ete commis a la suite de tout crime rentrant dans la competence du Tribunal, ou en liaison avec ce crime.

IN WITNESS WHEREOF the Undersigned have signed the present Protocol.

DONE in quadruplicate in Berlin this 6th day of October, 1945, each in English, French, and Russian, and each text to have equal authenticity.

For the Government of the United States of America
/s/ ROBERT H. JACKSON

For the Provisional Government of the French Republic
/s/ FRANCOIS de MENTHON

For the Government of the United Kingdom
of Great Britain and Northern Ireland
/s/ HARTLEY SHAWCROSS

For the Government of the Union
of Soviet Socialist Republics
/s/ R. RUDENKO

Chapter III

INTERNATIONAL MILITARY TRIBUNAL, INDICTMENT NUMBER 1.

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS

— AGAINST —

HERMANN WILHELM GOERING, RUDOLF HESS, JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL DOENITZ, ERICH RAEDER, BALDUR VON SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ VON PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN VON NEURATH, AND HANS FRITZSCHE, INDIVIDUALLY AND AS MEMBERS OF ANY OF THE FOLLOWING GROUPS OR ORGANISATIONS TO WHICH THEY RESPECTIVELY BELONGED, NAMELY: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE "SS") AND INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (COMMONLY KNOWN AS THE "SA") AND THE GENERAL STAFF AND HIGH COMMAND OF THE GERMAN ARMED FORCES ALL AS DEFINED IN APPENDIX B.

Defendants

CHAPTER III

INDICTMENT

I.

The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics by the undersigned, Robert H. Jackson, Francois de Menthon, Hartley Shawcross and R. A. Rudenko, duly appointed to represent their respective Governments in the investigation of the charges against and the prosecution of the major war criminals, pursuant to the Agreement of London dated 8th August, 1945, and the Charter of this Tribunal annexed thereto, hereby accuse as guilty, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of a Common Plan or Conspiracy to commit those Crimes, all as defined in the Charter of the Tribunal, and accordingly name as defendants in this cause and as indicted on the counts hereinafter set out: HERMANN WILHELM GOERING, RUDOLF HESS, JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL DOENITZ, ERICH RAEDER, BALDUR VON SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ VON PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN VON NEURATH AND HANS FRITZSCHE, individually and as members of any of the Groups or Organizations next hereinafter named.

II.

The following are named as Groups or Organizations (since dissolved) which should be declared criminal by reason of their aims and the means used for the accomplishment thereof and in connection with the conviction of such of the named defendants as were members thereof: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") and including DIE SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES. The identity and membership of the Groups or Organizations referred to in the foregoing titles are hereinafter in Appendix B more particularly defined.

COUNT ONE—THE COMMON PLAN OR CONSPIRACY

(Charter, Article 6, especially 6 *(a)*)

III. Statement of the Offense

All the defendants, with divers other persons, during a period of years preceding 8th May, 1945, participated as leaders, organizers, instigators or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, War Crimes, and Crimes against Humanity, as defined in the Charter of this Tribunal, and, in accordance with the provisions of the Charter, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy. The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned, prepared, initiated and waged wars of aggression, which were also wars in violation of international treaties, agreements or assurances. In the development and course of the common plan or conspiracy it came to embrace the commission of War Crimes, in that it contemplated, and the defendants determined upon and carried out, ruthless wars against countries and populations, in violation of the rules and customs of war, including as typical and systematic means by which the wars were prosecuted, murder, ill-treatment, deportation for slave labor and for other purposes of civilian populations of occupied territories, murder and ill-treatment of prisoners of war and of persons on the high seas, the taking and killing of hostages, the plunder of public and private property, the wanton destruction of cities, towns, and villages, and devastation not justified by military necessity. The common plan or conspiracy contemplated and came to embrace as typical and systematic means, and the defendants determined upon and committed, Crimes against Humanity, both within Germany and within occupied territories, including murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations before and during the war, and persecutions on political, racial or religious grounds, in execution of the plan for preparing and prosecuting aggressive or illegal wars, many of such acts and persecutions being violations of the domestic laws of the countries where perpetrated.

IV. Particulars of the nature and development of the common plan or conspiracy

(*A*) NAZI PARTY AS THE CENTRAL CORE OF THE COMMON PLAN OR CONSPIRACY

In 1921 Adolf Hitler became the supreme leader or Fuehrer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by this Indictment. The Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy. Each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

(*B*) COMMON OBJECTIVES AND METHODS OF CONSPIRACY

The aims and purposes of the Nazi Party and of the defendants and divers other persons from time to time associated as leaders, members, supporters or adherents of the Nazi Party (hereinafter called collectively the "Nazi conspirators") were, or came to be, to accomplish the following by any means deemed opportune, including unlawful means, and contemplating ultimate resort to threat of force, force and aggressive war: (i) to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany; (ii) to acquire the territories lost by Germany as the result of the World War of 1914-1918 and other territories in Europe asserted by the Nazi conspirators to be occupied principally by so-called "racial Germans"; (iii) to acquire still further territories in continental Europe and elsewhere claimed by the Nazi conspirators to be required by the "racial Germans" as "Lebensraum," or living space, all at the expense of neighboring and other countries. The aims and purposes of the Nazi conspirators were not fixed or static but evolved and expanded as they acquired progressively greater power and became able to make more effective application of threats of force and threats of aggressive war. When their expanding aims and purposes became finally so great as to provoke such strength of resistance as could be overthrown only by armed force and aggressive war, and not simply by the opportunistic methods theretofore used, such as fraud, deceit, threats, intimidation, fifth column activities and propaganda, the Nazi conspirators deliberately planned, determined upon and launched their aggressive wars and wars in violation of international treaties, agreements and assurances by the phases and steps hereinafter more particularly described.

(*C*) DOCTRINAL TECHNIQUES OF THE COMMON PLAN OR CONSPIRACY

To incite others to join in the common plan or conspiracy, and as a means of securing for the Nazi conspirators the highest degree of control over the German community, they put forth, disseminated, and exploited certain doctrines, among others, as follows:

1. That persons of so-called "German blood" (as specified by the Nazi conspirators) were a "master race" and were accordingly entitled to subjugate, dominate or exterminate other "races" and peoples;
2. That the German people should be ruled under the Fuehrerprinzip (leadership principle) according to which power was to reside in a Fuehrer from whom sub-leaders were to derive authority in a hierarchical order, each sub-leader to owe unconditional obedience to his immediate superior but to be absolute in his own sphere of jurisdiction; and the power of the leadership was to be unlimited, extending to all phases of public and private life;
3. That war was a noble and necessary activity of Germans;
4. That the leadership of the Nazi Party, as the sole bearer of the foregoing and other doctrines of the Nazi Party, was entitled to shape the structure, policies and practices of the German State and all related institutions, to direct and supervise the activities of all individuals within the State, and to destroy all opponents.

(*D*) THE ACQUIRING OF TOTALITARIAN CONTROL OF GERMANY: POLITICAL

1. *First steps in acquisition of control of State machinery*

In order to accomplish their aims and purposes, the Nazi conspirators prepared to seize totalitarian control over Germany to assure that no effective resistance against them could arise within Germany itself. After the failure of the Munich Putsch of

1923 aimed at the overthrow of the Weimar Republic by direct action, the Nazi conspirators set out through the Nazi Party to undermine and capture the German Government by "legal" forms supported by terrorism. They created and utilized, as a Party formation, Die Sturmabteilungen (SA), a semi-military, voluntary organization of young men trained for and committed to the use of violence, whose mission was to make the Party the master of the streets.

2. *Control acquired*

On 30th January, 1933, Hitler became Chancellor of the German Republic. After the Reichstag fire of 28th February, 1933, clauses of the Weimar constitution guaranteeing personal liberty, freedom of speech, of the press, of association and assembly were suspended. The Nazi conspirators secured the passage by the Reichstag of a "Law for the Protection of the People and the Reich" giving Hitler and the members of his then cabinet plenary powers of legislation. The Nazi conspirators retained such powers after having changed the members of the cabinet. The conspirators caused all political parties except the Nazi Party to be prohibited. They caused the Nazi Party to be established as a para-governmental organization with extensive and extraordindary privileges.

3. *Consolidation of control*

Thus possessed of the machinery of the German State, the Nazi conspirators set about the consolidation of their position of power within Germany, the extermination of potential internal resistance and the placing of the German nation on a military footing.

(*a*) The Nazi conspirators reduced the Reichstag to a body of their own nominees and curtailed the freedom of popular elections throughout the country. They transformed the several states, provinces and municipalities, which had formerly exercised semi-autonomous powers, into hardly more than administrative organs of the central government. They united the offices of the President and the Chancellor in the person of Hitler; instituted a widespread purge of civil servants; and severely restricted the independence of the judiciary and rendered it subservient to Nazi ends. The conspirators greatly enlarged existing State and Party organizations; established a network of new State and Party organizations; and "co-ordinated" State agencies with the Nazi Party and its branches and affiliates, with the result that German life was dominated by Nazi doctrine and practice and progressively mobilized for the accomplishment of their aims.

(*b*) In order to make their rule secure from attack and to instil fear in the hearts of the German people, the Nazi conspirators established and extended a system of terror against opponents and supposed or suspected opponents of the regime. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment enslavement, torture and murder. These concentration camps were established early in 1933 under the direction of the defendant GOERING and expanded as a fixed part of the terroristic policy and method of the conspirators and used by them for the commission of the Crimes against Humanity hereinafter alleged. Among the principal agencies utilized in the perpetration of these crimes were the SS and the GESTAPO, which, together with other favored branches or agencies of the State and Party, were permitted to operate without restraint of law.

(*c*) The Nazi conspirators conceived that, in addition to the suppression of distinctively political opposition, it was necessary to suppress or exterminate certain other movements or groups which they regarded as obstacles to their retention of total control in Germany and to the aggressive aims of the conspiracy abroad. Accordingly:

(1) The Nazi conspirators destroyed the free trade unions in Germany by confiscating their funds and properties, persecuting their leaders, prohibiting their activities, and supplanting them by an affiliated Party organization. The leadership principle was introducted into industrial relations, the entrepreneur becoming the leader and the workers becoming his followers. Thus any potential resistance of the workers was frustrated and the productive labor capacity of the German nation was brought under the effective control of the conspirators.

(2) The Nazi conspirators, by promoting beliefs and practices incompatible with Christian teaching, sought to subvert the influence of the Churches over the people and in particular over the youth of Germany. They avowed their aim to eliminate the Christian Churches in Germany and sought to substitute therefor Nazi institutions and Nazi beliefs and pursued a programme of persecution of priests, clergy and members of monastic orders whom they deemed opposed to their purposes and confiscated church property.

(3) The persecution by the Nazi conspirators of pacifist groups, including religious movements dedicated to pacifism, was particularly relentless and cruel.

(*d*) Implementing their "master race" policy, the conspirators joined in a program of relentless persecution of the Jews, designed to exterminate them. Annihilation of the Jews became an official State policy, carried out both by official action and by incitements to mob and individual violence. The conspirators openly avowed their purpose. For example, the defendant ROSENBERG stated: "Anti-Semitism is the unifying element of the reconstruction of Germany." On another occasion he also stated: "Germany will regard the Jewish question as solved only after the very last Jew has left the greater German living space . . . Europe will have its Jewish question solved only after the very last Jew has left the Continent." The defendant LEY declared: "We swear we are not going to abandon the struggle until the last Jew in Europe has been exterminated and is actually dead. It is not enough to isolate the Jewish enemy of mankind—the Jew has got to be exterminated." On another occasion he also declared: "The second German secret weapon is anti-Semitism because if it is consistently pursued by Germany, it will become a universal problem which all nations will be forced to consider." The defendant STREICHER declared: "The sun will not shine on the nations of the earth until the last Jew is dead." These avowals and incitements were typical of the declarations of the Nazi conspirators throughout the course of their conspiracy. The program of action against the Jews included disfranchisement, stigmatization, denial of civil rights, subjecting their persons and property to violence, deportation, enslavement, enforced labor, starvation, murder and mass extermination. The extent to which the conspirators succeeded in their purpose can only be estimated, but the annihilation was substantially complete in many localities of Europe. Of the 9,600,000 Jews who lived in the parts of Europe under Nazi domination, it is conservatively estimated that 5,700,000 have disappeared, most of them deliberately put to death by the Nazi conspirators. Only remnants of the Jewish population of Europe remain.

(*e*) In order to make the German people amenable to their will, and to prepare them psychologically for war, the Nazi conspirators reshaped the educational system and particularly the education and training of the German youth. The leadership principle was introduced into the schools and the Party and affiliated organizations were given wide supervisory powers over education. The Nazi conspirators imposed a supervision of all cultural activities, controlled the dissemination of information and the expression of opinion within Germany as well as the movement of intelligence of all kinds from and into Germany, and created vast propaganda machines.

(*f*) The Nazi conspirators placed a considerable number of their dominated organizations on a progressively militarized footing with a view to the rapid transformation and use of such organizations whenever necessary as instruments of war.

(*E*) THE ACQUIRING OF TOTALITARIAN CONTROL IN GERMANY: ECONOMIC; AND THE ECONOMIC PLANNING AND MOBILIZATION FOR AGGRESSIVE WAR

Having gained political power the conspirators organized Germany's economy to give effect to their political aims.

1. In order to eliminate the possibility of resistance in the economic sphere, they deprived labour of its rights of free industrial and political association as particularized in paragraph *(D)* 3 *(c)* (1) herein.

2. They used organizations of German business as instruments of economic mobilization for war.

3. They directed Germany's economy towards preparation and equipment of the military machine. To this end they directed finance, capital investment, and foreign trade.

4. The Nazi conspirators, and in particular the industrialists among them, embarked upon a huge re-armament programme and set out to produce and develop huge quantities of materials of war and to create a powerful military potential.

5. With the object of carrying through the preparation for war the Nazi conspirators set up a series of administrative agencies and authorities. For example, in 1936 they established for this purpose the office of the Four Year Plan with the defendant GOERING as Plenipotentiary, vesting it with overriding control over Germany's economy. Furthermore, on 28th August, 1939, immediately before launching their aggression against Poland, they appointed the defendant FUNK Plenipotentiary for Economics; and on 30th August, 1939, they set up the Ministerial Council for the Defence of the Reich to act as a War Cabinet.

(*F*) UTILIZATION OF NAZI CONTROL FOR FOREIGN AGGRESSION

1. *Status of the conspiracy by the middle of* 1933 *and projected plans.*

By the middle of the year 1933 the Nazi conspirators, having acquired governmental control over Germany, were in a position to enter upon further and more detailed planning with particular relationship to foreign policy. Their plan was to re-arm and to re-occupy and fortify the Rhineland, in violation of the Treaty of Versailles and other treaties, in order to acquire military strength and political bargaining power to be used against other nations.

2. The Nazi conspirators decided that for their purpose the Treaty of Versailles must definitely be abrogated and specific plans were made by them and put into operation by 7th March, 1936, all of which opened the way for the major aggressive steps to follow, as hereinafter set forth. In the execution of this phase of the conspiracy the Nazi conspirators did the following acts:

(*a*) They led Germany to enter upon a course of secret re-armament from 1933 to March, 1935, including the training of military personnel and the production of munitions of war, and the building of an air force.

(*b*) On 14th October, 1933, they led Germany to leave the International Disarmament Conference and the League of Nations.

(*c*) On 10th March, 1935, the defendant GOERING announced that Germany was building a military air force.

(*d*) On 16th March, 1935, the Nazi conspirators promulgated a law for universal military service, in which they stated the peace-time strength of the German Army would be fixed at 500,000 men.

(*e*) On 21st May, 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations of the Versailles Treaty and comply with the Locarno Pacts.

(*f*) On 7th March, 1936, they reoccupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16th October, 1925, and falsely announced to the world that "we have no territorial demands to make in Europe."

3. *Aggressive action against Austria and Czechoslovakia*

(*a*) *The* 1936-1938 *phase of the plan: planning for the assault on Austria and Czechoslovakia*

The Nazi conspirators next entered upon the specific planning for the acquisition of Austria and Czechoslovakia, realizing it would be necessary, for military reasons, first to seize Austria before assaulting Czechoslovakia. On 21st May, 1935, in a speech to the Reichstag, Hitler stated that: "Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria or to conclude an Anschluss." On 1st May, 1936, within two months after the re-occupation of the Rhineland, Hitler stated: "The lie goes forth again that Germany tomorrow or the day after will fall upon Austria or Czechoslovakia." Thereafter, the Nazi conspirators caused a treaty to be entered into between Austria and Germany on 11th July, 1936, Article 1 of which stated that "The German Government recognizes the full sovereignty of the Federated State of Austria in the spirit of the pronouncements of the German Fuehrer and Chancellor of 21st May, 1935." Meanwhile, plans for aggression in violation of that treaty were being made. By the autumn of 1937, all noteworthy opposition within the Reich had been crushed. Military preparation for the Austrian action was virtually concluded. An influential group of the Nazi conspirators met with Hitler on 5th November, 1937, to review the situation. It was reaffirmed that Nazi Germany must have "Lebensraum" in central Europe. It was recognized that such conquest would probably meet resistance which would have to be crushed by force and that their decision might lead to a general war, but this prospect was discounted as a risk worth taking. There emerged from this meeting three possible plans for the conquest of Austria and Czechoslovakia. Which of the three was to be used was to depend upon the developments in the political and military situation in Europe. It was contemplated that the conquest of Austria and Czechoslovakia would, through compulsory emigration of 2,000,000 persons from Czechoslovakia and 1,000,000 persons from Austria, provide additional food to the Reich for 5,000,000 to 6,000,000 people, strengthen it militarily by providing shorter and better frontiers, and make possible the constituting of new armies up to about twelve divisions. Thus, the aim of the plan against Austria and Czechoslovakia was conceived of not as an end to itself but as a preparatory measure toward the next aggressive steps in the Nazi conspiracy.

(*b*) *The execution of the plan to invade Austria: November,* 1937, *to March,* 1938

Hitler on 8th February, 1938, called Chancellor Schuschnigg to a conference at Berchtesgaden. At the meeting of 12th February, 1938, under threat of invasion, Schuschnigg yielded a promise of amnesty to imprisoned Nazis and appointment of Nazis to ministerial posts. He agreed to remain silent until Hitler's 20th February speech in which Austria's independence was to be reaffirmed, but Hitler in his speech, instead of affirming Austrian independence, declared himself protector of all Germans. Meanwhile, subversive activities of Nazis in Austria increased. Schuschnigg on 9th March, 1938, announced a plebiscite for the following Sunday on the question of Austrian independence. On 11th March Hitler sent an ultimatum, demanding that the plebiscite be called off or that Germany would invade Austria. Later the same day a second ultimatum threatened invasion unless Schuschnigg should resign in three hours.

Schuschnigg resigned. The defendant SEYSS-INQUART, who was appointed Chancellor, immediately invited Hitler to send German troops into Austria to "preserve order." The invasion began on 12th March, 1938. On 13th March, Hitler by proclamation assumed office as Chief of State of Austria and took command of its armed forces. By a law of the same date Austria was annexed to Germany.

(c) *The execution of the plan to invade Czechoslovakia: April,* 1938, *to March,* 1939

1. Simultaneously with their annexation of Austria the Nazi conspirators gave false assurances to the Czechoslovak Government that they would not attack that country. But within a month they met to plan specific ways and means of attacking Czechoslovakia, and to revise, in the light of the acquisition of Austria, the previous plans for aggression against Czechoslovakia.

2. On 21st April, 1938, the Nazi conspirators met and prepared to launch an attack on Czechoslovakia not later than 1st October, 1938. They planned specifically to create an "incident" to "justify" the attack. They decided to launch a military attack only after a period of diplomatic squabbling which, growing more serious, would lead to the excuse for war, or, in the alternative, to unleash a lightning attack as a result of an "incident" of their own creation. Consideration was given to assassinating the German Ambassador at Prague to create the requisite incident. From and after 21st April, 1938, the Nazi conspirators caused to be prepared detailed and precise military plans designed to carry out such an attack at any opportune moment and calculated to overcome all Czechoslovak resistance within four days, thus presenting the world with a fait accompli, and so forestalling outside resistance. Throughout the months of May, June, July, August and September, these plans were made more specific and detailed, and by 3rd September, 1938, it was decided that all troops were to be ready for action on 28th September, 1938.

3. Throughout this same period, the Nazi conspirators were agitating the minorities question in Czechoslovakia, and particularly in the Sudetenland, leading to a diplomatic crisis in August and September, 1938.

After the Nazi conspirators threatened war, the United Kingdom and France concluded a pact with Germany and Italy at Munich on 29th September, 1938, involving the cession of the Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce. On 1st October, 1938, German troops occupied the Sudetenland.

4. On 15th March, 1939, contrary to the provisions of the Munich Pact itself, the Nazi conspirators caused the completion of their plan by seizing and occupying the major part of Czechoslovakia not ceded to Germany by the Munich Pact.

4. *Formulation of the plan to attack Poland: preparation and initiation of aggressive war: March,* 1939, *to September,* 1939

(*a*) With these aggressions successfully consummated, the conspirators had obtained much desired resources and bases and were ready to undertake further aggressions by means of war. Following assurances to the world of peaceful intentions, an influential group of the conspirators met on 23rd May, 1939, to consider the further implementation of their plan. The situation was reviewed and it was observed that "the past six years have been put to good use and all measures have been taken in correct sequence and in accordance with our aims"; that the national-political unity of the Germans had been substantially achieved; and that further successes could not be achieved without war and bloodshed. It was decided nevertheless next to attack Poland at the first suitable opportunity. It was admitted that the questions concerning Danzig which they had agitated with Poland were not true questions, but rather that the question was one of aggressive expansion for food and "Lebensraum." It was recognized that Poland would fight if attacked and that a repetition of the Nazi success against Czechoslovakia without war could not be expected. Accordingly, it was determined that the problem was to isolate Poland and, if possible, prevent a simultaous conflict with the Western Powers. Nevertheless, it was agreed that England was an enemy to their aspirations, and that war with England and her ally France must eventually result, and therefore that in that war every attempt must be made to overwhelm England with a "Blitzkrieg." It was thereupon determined immediately to prepare detailed plans for an attack on Poland at the first suitable opportunity and thereafter for an attack on England and France, together with plans for the simultaneous occupation by armed force of air bases in the Netherlands and Belgium.

(*b*) Accordingly, after having denounced the German-Polish Pact of 1934 on false grounds, the Nazi conspirators proceeded to stir up the Danzig issue to prepare frontier "incidents" to "justify" the attack, and to make demands for the cession of Polish territory. Upon refusal by Poland to yield, they caused German armed forces to invade Poland on 1st September, 1939, thus precipitating war also with the United Kingdom and France.

5. *Expansion of the war into a general war of aggression: planning and execution of attacks on Denmark, Norway, Belgium, The Netherlands, Luxembourg, Yugoslavia, and Greece:* 1939 *to April,* 1941

Thus the aggressive war prepared for by the Nazi conspirators through their attacks on Austria and Czechoslovakia was actively launched by their attack on Poland, in violation of the terms of the Briand-Kellogg Pact, 1928. After the total defeat of Poland, in order to facilitate the carrying out of their military operations against France and the United Kingdom, the Nazi conspirators made active preparations for an extension of the war in Europe. In accordance with those plans, they caused the German armed forces to invade Denmark and Norway on 9th April, 1940; Belgium, the Netherlands and Luxembourg on 10th May, 1940; Yugoslavia and Greece on 6th April, 1941. All these invasions had been specifically planned in advance.

6. *German invasion on June* 22*nd,* 1941, *of the U.S.S.R. territory in violation of Non-Aggression Pact of* 23*rd August,* 1939

On June 22nd, 1941, the Nazi conspirators deceitfully denounced the Non-Aggression Pact between Germany and the U.S.S.R. and without any declaration of war invaded Soviet territory thereby beginning a War of Aggression against the U.S.S.R.

From the first day of launching their attack on Soviet territory the Nazi conspirators, in accordance with their detailed plans, began to carry out the destruction of cities, towns and villages, the demolition of factories, collective farms, electric stations and railroads, the robbery and barbaric devastation of the natural cultural institutions of the peoples of the U.S.S.R., the devastation of museums, churches, historic monuments. The mass deportation of the Soviet citizens for slave labor to Germany, as well as the annihilation of old people, women and children, especially Belo-Russians and Ukrainians. The extermination of Jews committed throughout the territory of the Soviet Union.

The above mentioned criminal offenses were perpetrated by the German troops in accordance with the orders of the Nazi Government and the General Staff and High Command of the German armed forces.

7. *Collaboration with Italy and Japan and aggressive war against the United States: November,* 1936, *to December,* 1941

After the initiation of the Nazi wars of aggression the Nazi conspirators brought about a German-Italian-Japanese ten-year military-economic alliance signed at Berlin on 27th September, 1940. This agreement, representing a strengthening of the bonds among those three nations established by the earlier but more limited pact of 25th November, 1936, stated: "The Governments of Germany, Italy and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its own proper place, have decided to stand by and co-operate with one another in regard of their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned." The Nazi conspirators conceived that Japanese aggression would weaken and handicap those nations with whom they were at war, and those with whom they contemplated war. Accordingly, the Nazi conspirators exhorted Japan to seek "a new order of things." Taking advantage of the wars of aggression then being waged by the Nazi conspirators, Japan commenced an attack on 7th December, 1941, against the United States of America at Pearl Harbor and the Philippines, and against the British Commonwealth of Nations, French Indo-China and the Netherlands in the southwest Pacific. Germany declared war against the United States on 11th December, 1941.

(*G*) WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN THE COURSE OF EXECUTING THE CONSPIRACY FOR WHICH THE CONSPIRATORS ARE RESPONSIBLE

1. Beginning with the initiation of the aggressive war on 1st September, 1939, and throughout its extension into wars involving almost the entire world, the Nazi conspirators carried out their common plan or conspiracy to wage war in ruthless and complete disregard and violation of the laws and customs of war. In the course of executing the common plan or conspiracy there were committed the War Crimes detailed hereinafter in Count Three of this Indictment.

2. Beginning with the initiation of their plan to seize and retain total control of the German State, and thereafter throughout their utilization of that control for foreign aggression, the Nazi conspirators carried out their common plan or conspiracy in ruthless and complete disregard and violation of the laws of humanity. In the course of executing the common plan or conspiracy there were committed the Crimes against Humanity detailed hereinafter in Count Four of this Indictment.

3. By reason of all the foregoing, the defendants with divers other persons are guilty of a common plan or conspiracy for the accomplishment of Crimes against Peace; of a conspiracy to commit Crimes against Humanity in the course of preparation for war and in the course of prosecution of war; and of a conspiracy to commit War Crimes not only against the armed forces of their enemies but also against non-belligerent civilian populations.

(*H*) INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count One of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count One of the Indictment.

COUNT TWO—CRIMES AGAINST PEACE
(Charter, Article 6 (*a*))

V. Statement of the Offense

All the defendants with divers other persons, during a period of years preceding 8th May, 1945, participated in the planning, preparation, initiation and waging of wars of aggression, which were also wars in violation of international treaties, agreements and assurances.

VI. Particulars of the wars planned, prepared, initialed and waged

(*A*) The wars referred to in the Statement of Offense in this Count Two of the Indictment and the dates of their initiation were the following: against Poland, 1st September, 1939; against the United Kingdom and France, 3rd September, 1939; against Denmark and Norway, 9th April, 1940; against Belgium, the Netherlands and Luxembourg, 10th May, 1940; against Yugoslavia and Greece, 6th April, 1941; against the U.S.S.R., 22nd June, 1941; and against the United States of America, 11th December, 1941.

(*B*) Reference is hereby made to Count One of the Indictment for the allegations charging that these wars were wars of aggression on the part of the defendants.

(*C*) Reference is hereby made to Appendix C annexed to this Indictment for a statement of particulars of the charges of violations of international treaties, agreements and assurances caused by the defendants in the course of planning, preparing and initiating these wars.

VII. Individual, group and organization responsibility for the offense stated in Count Two

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Two of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Two of the Indictment.

COUNT THREE—WAR CRIMES

(Charter, Article 6, especially 6 (*b*))

VIII. Statement of the Offense

All the defendants committed War Crimes between 1st September, 1939, and 8th May, 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939, and in Austria, Czechoslovakia, and Italy, and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit War Crimes as defined in Article 6 (*b*) of the Charter. This plan involved, among other things, the practice of "total war" including methods of combat and of military occupation in direct conflict with the laws and customs of war, and the commission of crimes perpetrated on the field of battle during encounters with enemy armies, and against prisoners of war, and in occupied territories against the civilian population of such territories.

The said War Crimes were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons when committing the said War Crimes performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws and of the general principles of criminal law as derived from the criminal law of all civilized nations, and were involved in and part of a systematic course of conduct.

(*A*) MURDER AND ILLTREATMENT OF CIVILIAN POPULATIONS OF OR IN OCCUPIED TERRITORY AND ON THE HIGH SEAS

Throughout the period of their occupation of territories overrun by their armed forces the defendants, for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians, and illtreated them, and imprisoned them without legal process.

The murders and illtreatment were carried out by divers means, including shooting, hanging, gassing, starvation, gross overcrowding, systematic under-nutrition, systematic imposition of labor tasks beyond the strength of those ordered to carry them out, inadequate provision of surgical and medical services, kickings, beatings, brutality and torture of all kinds, including the use of hot irons and pulling out of finger nails and the performance of experiments by means of operations and otherwise on living human subjects. In some occupied territories the defendants interfered with religious services, persecuted members of the clergy and monastic orders, and expropriated church property. They conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial or religious groups, particularly Jews, Poles and Gypsies and others.

Civilians were systematically subjected to tortures of all kinds, with the object of obtaining information.

Civilians of occupied countries were subjected systematically to "protective arrests" whereby they were arrested and imprisoned without any trial and any of the ordinary protections of the law, and they were imprisoned under the most unhealthy and inhumane conditions.

In the concentration camps were many prisoners who were classified "Nacht und Nebel". These were entirely cut off from the world and were allowed neither to receive nor to send letters. They disappeared without trace and no announcement of their fate was ever made by the German authorities.

Such murders and illtreatment were contrary to International Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and to Article 6 (*b*) of the Charter.

The following particulars and all the particulars appearing later in this count are set out herein by way of example only, are not exclusive of other particular cases, and are stated without prejudice to the right of the Prosecution to adduce evidence of other cases of murder and illtreatment of civilians.

1. *In France, Belgium, Denmark, Holland, Norway, Luxemburg, Italy and the Channel Islands (hereinafter called the "Western Countries") and in that part of Germany which lies west of a line drawn due North and South through the centre of Berlin (hereinafter called "Western Germany").*

Such murder and illtreatment took place in concentration camps and similar establishments set up by the defendants and particularly in the concentration camps set up at Belsen, Buchenwald, Dachau, Breendonck, Grini, Natzweiler, Ravensbruck, Vught and Amersfoort, and in numerous cities, towns and villages, including Oradour sur Glane, Trondheim and Oslo.

Crimes committed in France or against French citizens took the following forms:—

Arbitrary arrests were carried out under political or racial pretexts; they were both individual and collective; notably in Paris (round-up of the 18th Arrondissement by the Field Gendarmerie, round-up of the Jewish population of the 11th Arrondissement in August, 1941, round-up of Jewish intellectuals in December, 1941, round-up in July, 1942); at Clermont-Ferrand (round-up of professors and students of the University of Strasbourg, who were taken to Clermon-Ferrand on 25th November, 1943); at Lyons; at Marseilles (round-up of 40,000 persons in January, 1943); at Grenoble (round-up on 24th December, 1943); at Cluny (round-up on 24th December, 1944); at Figeac (round-up in May, 1944); at Saint Pol de Leon (round-up in July, 1944); at Locminé (round-up on 3rd July, 1944); at Eyzieux (round-up in May, 1944) and at Moussey (round-up in September, 1944). These arrests were followed by brutal treatment and tortures carried out by the most diverse methods, such as immersion in icy water, asphyxiation, torture of the limbs, and the use of instruments of torture, such as the iron helmet and electric current, and practised in all the prisons of France, notably in Paris, Lyons, Marseilles, Rennes, Metz, Clermont-Ferrand, Toulouse, Nice, Grenoble, Annecy, Arras, Bethune, Lille, Loos, Valenciennes, Nancy, Troyes and Caen, and in the torture chambers fitted up at the Gestapo centres.

In the concentration camps, the health regime, and the labour regime, were such that the rate of mortality (alleged to be from natural causes) attained enormous proportions, for instance:—

1. Out of a convoy of 230 French women deported from Compiegne to Auschwitz in January, 1943, 180 died of exhaustion by the end of four months.
2. 143 Frenchmen died of exhaustion between 23rd March and 6th May, 1943, in Block 8 at Dachau.
3. 1,797 Frenchmen died of exhaustion between 21st November, 1943, and 15th March, 1945, in the Block at Dora.
4. 465 Frenchmen died of general debility in November, 1944, at Dora.
5. 22,761 deportees died of exhaustion at Buchenwald between 1st January, 1943, and 15th April, 1945.
6. 11,560 detainees died of exhaustion at Dachau Camp (most of them in Block 30 reserved for the sick and infirm) between 1st January and 15th April, 1945.
7. 780 priests died of exhaustion at Mauthausen.
8. Out of 2,200 Frenchmen registered at Flossenburg Camp, 1,600 died from supposedly natural causes.

Methods used for the work of extermination in concentration camps were:—bad treatment, pseudo-scientific experiments (sterilization of women at Auschwitz and at Ravensbruck, study of the evolution of cancer of the womb at Auschwitz, of typhus at Buchenwald, anatomical research at Natzweiller, heart injections at Buchenwald, bone grafting and muscular excisions at Ravensbruck, etc.), gas chambers, gas wagons and crematory ovens. Of 228,000 French political and racial deportees in concentration camps, only 28,000 survived.

In France also systematic extermination was practised, notably at Asq on 1st April, 1944, at Colpo on 22nd July, 1944, at Buzet sur Tarn on 6th July, 1944 and on 17th August, 1944, at Pluvignier on 8th July, 1944, at Rennes on 8th June, 1944, at Grenoble on 8th July, 1944, at Saint Flour on 10th June, 1944, at Ruisnes on 10th July, 1944, at Nimes, at Tulle, and at Nice, where, in July, 1944, the victims of torture were exposed to the population, and at Oradour sur Glane where the entire village population was shot or burned alive in the church.

The many charnel pits give proof of anonymous massacres. Most notable of these are the charnel pits of Paris (Cascade du Bois de Boulogne), Lyons, Saint Genies Laval, Besancon, Petit Saint Bernard, Aulnat, Caen, Port Louis, Charleval, Fontainebleau, Bouconne, Gabaudet, L'hermitage, Lorges, Morlaas, Bordelongue, Signe.

In the course of a premeditated campaign of terrorism, initiated in Denmark by the Germans in the latter part of 1943, 600 Danish subjects were murdered and, in addition, throughout the German occupation of Denmark, large numbers of Danish subjects were subjected to torture and ill treatment of all sorts. In addition, approximately 500 Danish subjects were murdered, by torture and otherwise, in German prisons and concentration camps.

In Belgium between 1940 and 1944 tortures by various means, but identical in each place, were carried out at Brussels, Liege, Mons, Ghent, Namur, Antwerp, Tournai, Arlon, Charleroi and Dinant.

At Vught, in Holland, when the camp was evacuated about 400 persons were murdered by shooting.

In Luxembourg, during the German occupation, 500 persons were murdered and, in addition, another 521 were illegally executed, by order of such special tribunals as the so-called "Sondergericht". Many more persons in Luxembourg were subjected to torture and mistreatment by the Gestapo. Not less than 4,000 Luxembourg nationals were imprisoned during the period of German occupation, and of these at least 400 were murdered.

Between March, 1944, and April, 1945, in Italy, at least 7,500 men, women and children, ranging in years from infancy to extreme old age were murdered by the German soldiery at Civitella, in the Ardeatine Caves in Rome, and at other places.

2. *In the U.S.S.R., i.e., in the Bielorussian, Ukrainian, Esthonian, Latvian, Lithuanian, Karelo-Finnish, and Moldavian Soviet Socialist Republics, in 19 regions of the Russian Soviet Federated Socialist Republic, and in Poland, Czecho-Slovakia, Yugoslavia, Greece, and the Balkans (hereinafter called "the Eastern Countries") and in that part of Germany which lies East of a line drawn North and South through the centre of Berlin (hereinafter called "Eastern Germany").*

From the 1st September, 1939, when the German armed forces invaded Poland, and from the 22nd June, 1941, when they invaded the U.S.S.R., the German Government and the German High Command adopted a systematic policy of murder and ill-treatment of the civilian populations of and in the Eastern Countries as they were successively occupied by the German armed forces. These murders and ill-treatments were carried on continuously until the German Armed Forces were driven out of the said countries.

Such murders and ill-treatments included:—

(*a*) Murders and ill-treatments at concentration camps and similar establishments set up by the Germans in the Eastern Countries and in Eastern Germany including those set up at Maidanek and Auschwitz.

The said murders and ill-treatments were carried out by divers means including all those set out above, as follows:

About 1,500,000 persons were exterminated in Maidanek and about 4,000,000 persons were exterminated in Auschwitz, among whom were citizens of Poland, the U.S.S.R., the United States of America, Great Britain, Czechoslovakia, France and other countries.

In the Lwow region and in the city of Lwow the Germans exterminated about 700,000 Soviet people, including 70 persons in the field of the arts, science and technology, and also citizens of the U. S. A., Great Britain, Czechoslovakia, Yugoslavia and Holland, brought to this region from other concentration camps.

In the Jewish ghetto from 7th September, 1941, to 6th July, 1943, over 133,000 persons were tortured and shot.

Mass shooting of the population occurred in the suburbs of the city and in the Livenitz forest.

In the Ganov camp 200,000 peaceful citizens were exterminated.

The most refined methods of cruelty were employed in this extermination, such as disembowelling and the freezing of human beings in tubs of water. Mass shootings took place to the accompaniment of the music of an orchestra recruited from the persons interned.

Beginning with June, 1943, the Germans carried out measures to hide the evidence of their crimes. They exhumed and burned corpses, and they crushed the bones with machines and used them for fertilizer.

At the beginning of 1944 in the Ozarichi region of the Bielorussian S.S.R., before liberation by the Red Army, the Germans established three concentration camps without shelters, to which they committed tens of thousands of persons from the neighbouring territories. They brought many people to these camps from typhus hospitals intentionally, for the purpose of infecting the other persons interned and for spreading the disease in territories from which the Germans were being driven by the Red Army. In these camps there were many murders and crimes.

In the Esthonian S.S.R. they shot tens of thousands of persons and in one day alone, 19th September, 1944, in Camp Kloga, the Germans shot 2,000 peaceful citizens. They burned the bodies on bonfires.

In the Lithuanian S.S.R. there were mass killings of Soviet citizens, namely: in Panerai at least 100,000; in Kaunas more than 70,000; in Alitus about 60,000; at Prenai more than 3,000; in Villiampol about 8,000; in Mariampol about 7,000; in Trakai and neighbouring towns 37,640.

In the Latvian S.S.R. 577,000 persons were murdered.

As a result of the whole system of internal order maintained in all camps, the interned persons were doomed to die.

In a secret instruction entitled "the internal regime in concentration camps", signed personally by Himmler in 1941 severe measures of punishment were set forth for the internees. Masses of prisoners of war were shot, or died from the cold and torture.

(*b*) Murders and ill-treatments at places in the Eastern Countries and in the Soviet Union, other than in the camps referred to in (*a*) above, included, on various dates during the occupation by the German Armed Forces:

The destruction in the Smolenck region of over 135,000 Soviet citizens.

Among these, near the village of Kholmetz of the Sychev region, when the military authorities were required to remove the mines from an area, on the order of the Commander of the 101st German Infantry Division, Major-General Fisler, the German soldiers gathered the inhabitants of the village of Kholmetz and forced them to remove mines from the road. All of these people lost their lives as a result of exploding mines.

In the Leningrad region there were shot and tortured over 172,000 persons, including over 20,000 persons who were killed in the city of Leningrad by the barbarous artillery barrage and the bombings.

In the Stavropol region in an anti-tank trench close to the station of Mineralny Vody, and in other cities, tens of thousands of persons were exterminated.

In Pyatigorsk many were subjected to torture and criminal treatment, including suspension from the ceiling and other methods. Many of the victims of these tortures were then shot.

In Krasnodar some 6,700 civilians were murdered by poison gas in gas vans, or were shot and tortured.

In the Stalingrad region more than 40,000 persons were killed and tortured. After the Germans were expelled from Stalingrad, more than a thousand mutilated bodies of local inhabitants were found with marks of torture. One hundred and thirty-nine women had their arms painfully bent backward and held by wires. From some their breasts had been cut off and their ears, fingers and toes had been amputated. The bodies bore the marks of burns. On the bodies of the men the five pointed star was burned with an iron or cut with a knife. Some were disembowelled.

In Orel over 5,000 persons were murdered.

In Novgorod and in the Novgorod region many thousands of Soviet citizens were killed by shooting, starvation and torture. In Minsk tens of thousands of citizens were similarly killed.

In the Crimea peaceful citizens were gathered on barges, taken out to sea and drowned, over 144,000 persons being exterminated in this manner.

In the Soviet Ukraine there were monstrous criminal acts of the Nazi conspirators. In Babi Yar, near Kiev, they shot over 100,000 men, women, children and old people. In this city in January, 1941, after the explosion in German Headquarters on Dzerzhinsky Street the Germans arrested as hostages 1,250 persons—old men, minors, women with nursing infants. In Kiev they killed over 195,000 persons.

In Rovno and the Rovno region they killed and tortured over 100,000 peaceful citizens.

In Dnepropetrovsk, near the Transport Institute, they shot or threw alive into a great ravine 11,000 women, old men and children.

In Kamenetz-Podolsk Region 31,000 Jews were shot and exterminated, including 13,000 persons brought there from Hungary.

In the Odessa Region at least 200,000 Soviet citizens were killed.

In Kharkov about 195,000 persons were either tortured to death, shot or gassed in gas vans.

In Gomel the Germans rounded up the population in prison, and tortured and tormented them, and then took them to the centre of the city and shot them in public.

In the city of Lyda in the Grodenen region on 8th May, 1942, 5,670 persons were completely undressed, driven into pens in groups of 100 and then shot by machine guns. Many were thrown in the graves while they were still alive.

Along with adults the Nazi conspirators mercilessly destroyed even children. They killed them with their parents, in groups and alone. They killed them in children's homes and hospitals, burying the living in the graves, throwing them into flames, stabbing them with bayonets, poisoning them, conducting experiments upon them, extracting their blood for the use of the German Army, throwing them into prison and Gestapo torture chambers and concentration camps, where the children died from hunger, torture and epidemic diseases.

From 6th September to 24th November, 1942, in the region of Brest, Pinsk, Kobren, Dyvina, Malority and Berezy-Kartuzsky about 400 children were shot by German punitive units.

In the Yanov camp in the city of Lwow the Germans killed 8,000 children in two months.

In the resort of Tiberda the Germans annihilated 500 children suffering from tuberculosis of the bone, who were in the sanatorium for the cure.

On the territory of the Latvian S.S.R. the German usurpers killed thousands of children, which they had brought there with their parents from the Bielorussian S.S.R., and from the Kalinin, Kaluga and other regions of the R.S.F.S.R.

In Czechoslovakia as a result of torture, beating, hanging, and shootings, there were annihilated in Gestapo prisons in Brno, Seim and other places over 20,000 persons. Moreover many thousands of internees were subjected to criminal treatment, beatings and torture.

Both before the war, as well as during the war, thousands of Czech patriots, in particular catholics and protestants, lawyers, doctors, teachers, etc., were arrested as hostages and imprisoned. A large number of these hostages were killed by the Germans.

In Greece in October, 1941, the male populations between 16 and 60 years of age of the Greek villages Amelofito, Kliston, Kizonia Mesovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were shot—in all 416 persons.

In Yugoslavia many thousands of civilians were murdered. Other examples are given under paragraph (*D*), "Killing of Hostages", below.

(*B*) DEPORTATION FOR SLAVE LABOUR AND FOR OTHER PURPOSES OF THE CIVILIAN POPULATIONS OF AND IN OCCUPIED TERRITORIES

During the whole period of the occupation by Germany of both the Western and the Eastern Countries it was the policy of the German Government and of the German High Command to deport able bodied citizens from such occupied countries to Germany and to other occupied countries for the purpose of slave labour upon defence works, in factories and in other tasks connected with the German War effort.

In pursuance of such policy there were mass deportations from all the Western and Eastern countries for such purposes during the whole period of the occupation.

Such deportations were contrary to international Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (*b*) of the Charter.

Particulars of deportations, by way of example only and without prejudice to the production of evidence of other cases are as follows:

1. From the Western Countries:

From France the following deportations of persons for political and racial reasons took place—each of which consisted of from 1,500-2,500 deportees:

1940	3 Transports
1941	14 Transports
1942	104 Transports
1943	257 Transports
1944	326 Transports

Such deportees were subjected to the most barbarous conditions of overcrowding; they were provided with wholly insufficient clothing and were given little or no food for several days.

The conditions of transport were such that many deportees died in the course of the voyage, for example:

In one of the wagons of the train which left Compiegne for Buchenwald, on the 17th September, 1943, 80 men died out of 130;

On 4th June, 1944, 484 bodies were taken out of the train at Sarrebourg;

In a train which left Compiegne on the 2nd July, 1944, for Dachau, more than 600 dead were found on arrival, i.e., one-third of the total number;

In a train which left Compiegne on the 16th January, 1944, for Buchenwald more than 100 men were confined in each wagon, the dead and the wounded being heaped in the last wagon during the voyage;

In April, 1945, of 12,000 internees evacuated from Buchenwald, 4,000 only were still alive when the marching column arrived near Regensburg.

During the German occupation of Denmark, 5,200 Danish subjects were deported to Germany and there imprisoned in concentration camps and other places.

In 1942 and thereafter 6,000 nationals of Luxembourg were departed from their country under deplorable conditions as a result of which many of them perished.

From Belgium between 1940 and 1941 at least 190,000 civilians were deported to Germany and used as slave labour. Such deportees were subjected to ill-treatment and many of them were compelled to work in armament factories.

From Holland, between 1940 and 1944 nearly half a million civilians were deported to Germany and to other occupied countries.

2. From the Eastern Countries:

The German occupying authorities deported from the Soviet Union to slavery about 4,978,000 Soviet citizens.

750,000 Czechoslovakian citizens were taken away for forced labor outside the Czechoslovak frontiers in the interior of the German war machine.

On June 4, 1941, in the city of Zagreb (Yugoslavia) a meeting of German representatives was called with the Councillor Von Troll presiding. The purpose was to set up the means of deporting the Yugoslav population from Slovenia. Tens of thousands of persons were deported in carrying out this plan.

(*C*) MURDER AND ILL-TREATMENT OF PRISONERS OF WAR, AND OF OTHER MEMBERS OF THE ARMED FORCES OF THE COUNTRIES WITH WHOM GERMANY WAS AT WAR, AND OF PERSONS ON THE HIGH SEAS

The Defendants murdered and ill-treated prisoners of war by denying them adequate food, shelter, clothing and medical care and attention; by forcing them to labor in inhumane conditions; by torturing them and subjecting them to inhuman indignities and by killing them. The German Government and the German High Command imprisoned prisoners of war in various concentration camps, where they were killed and subjected to inhuman treatment by the various methods set forth in paragraph VIII (*A*). Members of the armed forces of the countries with whom Germany was at war were frequently murdered while in the act of surrendering. These murders and ill-treatment were contrary to International Conventions, particularly Articles 4, 5, 6, and 7 of the Hague Regulations, 1907, and to Articles 2, 3, 4 and 6 of the Prisoners of War Convention (Geneva 1929) the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (*b*) of the Charter.

Particulars by way of examples and without prejudice to the production of evidence of other cases, are as follows:

1. In the Western Countries:

French officers who escaped from Oflag X C were handed over to the Gestapo and disappeared; others were murdered by their guards; others sent to concentration camps and exterminated. Among others, the men of Stalag VI C were sent to Buchenwald.

Frequently prisoners captured on the Western Front were obliged to march to the camps until they completely collapsed. Some of them walked more than 600 kilometers with hardly any food; they marched on for 48 hours running, without being fed; among them a certain number died of exhaustion or of hunger; stragglers were systematically murdered.

The same crimes have been committed in 1943, 1944 and 1945 when the occupants of the camps were withdrawn before the Allied advance; particularly during the withdrawal of the prisoners of Sagan on February 8th, 1945.

Bodily punishments were inflicted upon non-commissioned officers and cadets who refused to work. On December 24th, 1943, three French N.C.O's were murdered for that motive in Stalag IV A. Many ill-treatments were inflicted without motive on other ranks: stabbing with bayonets, striking with rifle-butts and whipping; in Stalag XX B the sick themselves were beaten many times by sentries; in Stalag III B and Stalag III C, worn-out prisoners were murdered or grievously wounded. In military gaols in Graudenz for instance, in reprisal camps as in Rava-Ruska, the food was so insufficient that the men lost more than 15 kilograms in a few weeks. In May, 1942, 1 loaf of bread only was distributed in Rava-Ruska to each group of 35 men.

Orders were given to transfer French officers in chains to the camp of Mauthausen after they had tried to escape. At their arrival in camp they were murdered, either by shooting, or by gas and their bodies destroyed in the crematorium.

American prisoners, officers and men, were murdered in Normandy during the summer of 1944 and in the Ardennes in December, 1944. American prisoners were starved, beaten and otherwise mistreated in numerous Stalag in Germany and in the occupied countries, particularly in 1943, 1944 and 1945.

2. In the Eastern Countries:

At Orel prisoners of war were exterminated by starvation, shooting, exposure, and poisoning.

Soviet prisoners of war were murdered en masse on orders from the High Command and the Headquarters of the SIPO and SD. Tens of thousands of Soviet prisoners of war were tortured and murdered at the "Gross Lazaret" at Slavuta.

In addition, many thousands of the persons referred to in paragraph VIII (A) 2, above, were Soviet prisoners of war.

Prisoners of war who escaped and were recaptured were handed over to SIPO and SD for shooting.

Frenchmen fighting with the Soviet Army who were captured were handed over to the Vichy Government for "proceedings".

In March, 1944, 50 R.A.F. officers who escaped from Stalag Luft III at Sagan, when recaptured, were murdered.

In September, 1941, 11,000 Polish officers, who were prisoners of war were killed in the Katyn Forest near Smolensk.

In Yugoslavia the German Command and the occupying authorities in the person of the chief officials of the Police, the SS troops (Police Lieutenant General Rosener) and the Divisional Group Command (General Kuebler and others) in the period 1941-43 ordered the shooting of prisoners of war.

(*D*) KILLING OF HOSTAGES

Throughout the territories occupied by the German armed forces in the course of waging aggressive wars, the defendants adopted and put into effect on a wide scale the practice of taking, and of killing, hostages from the civilian population. These acts were contrary to International Conventions, particularly Article 50 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (*b*) of the Charter.

Particulars by way of example and without prejudice to the production of evidence of other cases, are as follows:

1. In the Western Countries:

In France hostages were executed either individually or collectively; these executions took place in all the big cities of France, among others in Paris, Bordeaux and Nantes, as well as at Chateabriant.

In Holland many hundreds of hostages were shot at the following among other places—Rotterdam, Apeldoorn, Amsterdam, Benschop and Haarlem.

In Belgium many hundreds of hostages were shot during the period 1940 to 1944.

2. In the Eastern Countries:

At Kragnevatz in Yugoslavia 2,300 hostages were shot in October, 1941.

At Kralevo in Yugoslavia 5,000 hostages were shot.

(*E*) PLUNDER OF PUBLIC AND PRIVATE PROPERTY

The defendants ruthlessly exploited the people and the material resources of the countries they occupied, in order to strengthen the Nazi war machine, to depopulate and impoverish the rest of Europe, to enrich themselves and their adherents, and to promote German economic supremacy over Europe.

The Defendants engaged in the following acts and practices, among others:

1. They degraded the standard of life of the people of occupied countries and caused starvation, by stripping occupied countries of foodstuffs for removal to Germany.

2. They seized raw materials and industrial machinery in all of the occupied countries, removed them to Germany and used them in the interest of the German war effort and the German economy.

3. In all the occupied countries, in varying degrees, they confiscated businesses, plants and other property.

4. In an attempt to give color of legality to illegal acquisitions

of property, they forced owners of property to go through the forms of "voluntary" and "legal" transfers.

5. They established comprehensive controls over the economies of all of the occupied countries and directed their resources, their production and their labor in the interests of the German war economy, depriving the local populations of the products of essential industries.

6. By a variety of financial mechanisms, they despoiled all of the occupied countries of essential commodities and accumulated wealth, debased the local currency systems and disrupted the local economies. They financed extensive purchases in occupied countries through clearing arrangements by which they exacted loans from the occupied countries. They imposed occupation levies, exacted financial contributions, and issued occupation currency, far in excess of occupation costs. They used these excess funds to finance the purchase of business properties and supplies in the occupied countries.

7. They abrogated the rights of the local populations in the occupied portions of the USSR and in Poland and in other countries to develop or manage agricultural and industrial properties, and reserved this area for exclusive settlement, development, and ownership by Germans and their so-called racial brethren.

8. In further development of their plan of criminal exploitation, they destroyed industrial cities, cultural monuments, scientific institutions, and property of all types in the occupied territories to eliminate the possibility of competition with Germany.

9. From their program of terror, slavery, spoliation and organized outrage, the Nazi conspirators created an instrument for the personal profit and aggrandizement of themselves and their adherents. They secured for themselves and their adherents

(*a*) Positions in administration of business involving power, influence and lucrative perquisites.
(*b*) The use of cheap forced labor.
(*c*) The acquisition on advantageous terms of foreign properties, business interests, and raw materials.
(*d*) The basis for the industrial supremacy of Germany.

These acts were contrary to International Conventions, particularly Articles 46 to 56 inclusive of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (*b*) of the Charter.

Particulars (by way of example and without prejudice to the production of evidence of other cases) are as follows:

1. Western Countries:

There was plundered from the Western Countries from 1940 to 1944, works of art, artistic objects, pictures, plastics, furniture, textiles, antique pieces and similar articles of enormous value to the number of 21,903.

In France statistics show the following:

Removal of Raw Materials

Coal	63,000,000	tons
Electric energy	20,976	Mkwh
Petrol and fuel	1,943,750	tons
Iron ore	74,848,000	tons
Siderurgical products	3,822,000	tons
Bauxite	1,211,800	tons
Cement	5,984,000	tons
Lime	1,888,000	tons
Quarry products	25,872,000	tons

and various other products to a total value of 79,961,423,000 francs.

Removal of Industrial Equipment

Total: 9,759,861.000 Francs, of which 2,626,479,000 Francs of Machine Tools.

Removal of Agricultural Produce

Total: 126,655,852,000 francs, i.e., for the principal Products:

Wheat	2,947,337	tons
Oats	2,354,080	tons
Milk	790,000	hectolitres
Milk (concentrated and in powder)	460,000	hectolitres
Butter	76,000	tons
Cheese	49,000	tons
Potatoes	725,975	tons
Various vegetables	575,000	tons
Wine	7,647,000	hectolitres
Champagne	87,000,000	bottles
Beer	3,821,520	hectolitres
Various kinds of alcohol	1,830,000	hectolitres

Removal of Manufactured Products

to a total of 184,640,000 francs.

Plundering

Francs: 257,020,024,000 from private enterprise
Francs: 55,000,100,000 from the State.

Financial Exploitation

From June 1940 to September 1944 the French Treasury was compelled to pay to Germany 631,866,000,000 francs.

Looting and Destruction of Works of Art

The museums of Nantes, Nancy, Old-Marseilles were looted.

Private collections of great value were stolen. In this way Raphaels, Vermeers, Van Dycks and works of Rubens, Holbein, Rembrandt, Watteau, Boucher disappeared. Germany compelled France to deliver up "The Mystic Lamb" by Van Eyck, which Belgium had entrusted to her.

In Norway and other occupied countries decrees were made by which the property of many civilians, societies, etc., was confiscated. An immense amount of property of every kind was plundered from France, Belgium, Norway, Holland and Luxemburg.

As a result of the economic plundering of Belgium between 1940 and 1944 the damage suffered amounted to 175 billions of Belgian francs.

2. Eastern Countries:

During the occupation of the Eastern Countries the German Government and the German High Command carried out, as a systematic policy, a continuous course of plunder and destruction including:—

On the territory of the Soviet Union the Nazi conspirators destroyed or severely damaged 1,710 cities and more than 70,000 villages and hamlets, more than 6,000,000 buildings and made homeless about 25,000,000 persons.

Among the cities which suffered most destruction are Stalingrad, Sevastopol, Kiev, Minsk, Odessa, Smolensk, Novgorod, Pskov, Orel, Kharkov, Voronezh, Rostov-on-Don, Stalino and Leningrad.

As is evident from an official memorandum of the German command, the Nazi conspirators planned the complete annihilation of entire Soviet cities. In completely secret order of the Chief of the Naval Staff (Staff Ia No. 1601/41, dated 29, IX, 1941), addressed only to Staff officers, it was said:

"The Fuehrer has decided to erase from the face of the earth St. Petersburgh. The existence of this large city will have no further interest after Soviet Russia is destroyed. Finland has also said that the existence of this city on her new border is not desirable from her point of view. The original request of the Navy that docks, harbor, etc. necessary for the fleet be preserved —is known to the Supreme Commander of the Military Forces, but the basic principles of carrying out operations against St. Petersburgh do not make it possible to satisfy this request.

It is proposed to approach near to the city and to destroy it with the aid of an artillery barrage from weapons of different calibres and with long air attacks.

The problem of the life of the population and the provisioning of them is a problem which cannot and must not be decided by us.

In this war * * * we are not interested in preserving even a part of the population of this large city."

The Germans destroyed 427 museums, among them the wealthy museums of Leningrad, Smolensk, Stalingrad, Novgorod, Poltava and others.

In Pyatigorsk the art objects brought there from the Rostov museum were seized.

The losses suffered by the coal mining industry alone in the Stalin Region amount to 2,000,000,000 rubles. There was colossal destruction of industrial establishments in Makerevka, Carlovka, Yenakievo, Konstantinovka, Mariupol, from which most of the machinery and factories were removed.

Stealing of huge dimensions and the destruction of industrial, cultural and other property was typified in Kiev. More than 4,000,000 books, magazines and manuscripts (many of which were very valuable and even unique) and a large number of artistic productions and valuables of different kinds were stolen and carried away.

Many valuable art productions were taken away from Riga.

The extent of the plunder of cultural valuables is evidenced by the fact that 100,000 valuable volumes and 70 cases of ancient periodicals and precious monographs were carried away by Rosenberg's staff alone.

Among further examples of these crimes are:

Wanton devastation of the city of Novgorod and of many historical and artistic monuments there. Wanton devastation and plunder of the city of Rovno and of its province. The destruction of the industrial, cultural and other property in Odessa. The destruction of cities and villages in Soviet Karelia. The destruction in Estonia of cultural, industrial and other buildings.

The destruction of medical and prophylactic institutes, the destruction of agriculture and industry in Lithuania, the destruction of cities in Latvia.

CHAPTER III

The Germans approached monuments of culture, dear to the Soviet people, with special hatred. They broke up the estate of the poet Pushkin in Mikhailovskoye, desecrating his grave, and destroying the neighboring villages and the Svyatogor monastery.

They destroyed the estate and museum of Lev Tolstoy, "Yasnaya Polyana" and desecrated the grave of the great writer. They destroyed in Klin the museum of Tsaikovsky and in Penaty, the museum of the painter Repin and many others.

The Nazi conspirators destroyed 1,670 Greek Orthodox Churches, 237 Roman Catholic Churches, 67 Chapels, 532 Synagogues, etc.

They broke up, desecrated and senselessly destroyed also the most valuable monuments of the Christian Church, such as Kievo-Pecherskaya Lavra, Novy Jerusalem in the Istrin region, and the most ancient monasteries and churches.

Destruction in Esthonia of cultural industrial and other premises: burning down of many thousands of residential buildings: removal of 10,000 works of art: destruction of medical and prophylactic institutions. Plunder and removal to Germany of immense quantities of agricultural stock including horses, cows, pigs, poultry, beehives and agricultural machines of all kinds.

Destruction of agriculture, enslavement of peasants and looting of stock and produce in Lithuania.

In the Latvian Republic destruction of the agriculture by the looting of all stock, machinery and produce.

The result of this policy of plunder and destruction was to lay waste the land and cause utter desolation.

The overall value of the material loss which the U.S.S.R. has borne, is computed to be 679,000,000,000 rubles, in state prices of 1941.

Following the German occupation of Czechoslovakia on 15 March 1939 the defendants seized and stole large stocks of raw materials, copper, tin, iron, cotton, and food; caused to be taken to Germany large amounts of railway rolling stock, and many engines, carriages, steam vessels and trolley buses; plundered libraries, laboratories, and art museums of books, pictures, objects of art, scientific apparatus and furniture; stole all gold reserves and foreign exchange of Czechoslovakia, including 23,000 kilograms of gold of a nominal value of £5,265,000; fraudulently acquired control and thereafter looted the Czech banks and many Czech industrial enterprises; and otherwise stole, looted and misappropriated Czechoslovak public and private property. The total sum of defendants' economic spoliation of Czechoslovakia from 1938 to 1945 is estimated at 200,000,000,000 Czechoslovak crowns.

(*F*) THE EXACTION OF COLLECTIVE PENALTIES

The Germans pursued a systematic policy of inflicting, in all the occupied countries, collective penalties, pecuniary and otherwise, upon the population for acts of individuals for which it could not be regarded as collectively responsible; this was done at many places, including Oslo, Stavanger, Trondheim and Rogaland.

Similar instances occurred in France, among others in Dijon, Nantes and as regards the Jewish population in the occupied territories. The total amount of fines imposed on French communities add up to 1,157,179,484 francs made up as follows—

A fine on the Jewish population	1,000,000,000
Various fines	157,179,484

These acts violated Article 50, Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (*b*) of the Charter.

(*G*) WANTON DESTRUCTION OF CITIES, TOWNS AND VILLAGES AND DEVASTATION NOT JUSTIFIED BY MILITARY NECESSITY

The Defendants wantonly destroyed cities, towns and villages and committed other acts of devastation without military justification or necessity. These acts violated Articles 46 and 50 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (*b*) of the Charter.

Particulars by way of example only and without prejudice to the production of evidence of other cases are as follows:

1. Western Countries:

In March, 1941, part of Lofoten in Norway was destroyed.

In April, 1942, the town of Telerag in Norway was destroyed.

Entire villages were destroyed in France, among others Oradour-sur-Glane, Saint-Nizier and, in the Vercors, La Mure, Vassieux, La Chapelle en Vercors. The town of Saint Dié was burnt down and destroyed. The Old Port District of Marseilles was dynamited in the beginning of 1943 and resorts along the Atlantic and the Mediterranean coasts, particularly the town of Sanary, were demolished.

In Holland there was most widespread and extensive destruction, not justified by military necessity, including the destruction of harbours, locks, dykes and bridges: immense devastation was also caused by inundations which equally were not justified by military necessity.

2. Eastern Countries:

In the Eastern Countries the Defendants pursued a policy of wanton destruction and devastation: some particulars of this (without prejudice to the production of evidence of other cases) are set out above under the heading—"Plunder of Public and Private Property".

In Greece in 1941, the villages of Amelofito, Kliston, Kizonia, Messovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were utterly destroyed.

In Yugoslavia on 15 August, 1941, the German military command officially announced that the village of Skela was burned to the ground and the inhabitants killed on the order of the command.

On the order of the Field Commander Hoersterberg a punitive expedition from the SS troops and the field police destroyed the villages of Machkovats, and Kriva Reka in Serbia and all the inhabitants were killed.

General Fritz Neidhold (369 Infantry Division) on 11 September, 1944, gave an order to destroy the villages of Zagniezde and Udora, hanging all the men and driving away all the women and children.

In Czechoslovakia the Nazi conspirators also practised the senseless destruction of populated places. Lezaky and Lidice were burned to the ground and the inhabitants killed.

(*H*) CONSCRIPTION OF CIVILIAN LABOUR

Throughout the occupied territories the defendants conscripted and forced the inhabitants to labour and requisitioned their services for purposes other than meeting the needs of the armies of occupation and to an extent far out of proportion to the resources of the countries involved. All the civilians so conscripted were forced to work for the German war effort. Civilians were required to register and many of those who registered were forced to join the Todt Organization and the Speer Legion, both of which were semi-military organizations involving some military training. These acts violated Articles 46 and 52 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (*b*) of the Charter.

Particulars, by way of example only and without prejudice to the production of evidence of other cases, are as follows:

1. Western Countries:

In France, from 1942 to 1944, 963,813 persons were compelled to work in Germany and 737,000 to work in France for the German Army.

In Luxembourg in 1944 alone, 2,500 men and 500 girls were conscripted for forced labor.

2. Eastern Countries:

Of the large number of citizens of the Soviet Union and of Czechoslovakia referred to under Count Three VIII (*B*) 2 above many were so conscripted for forced labor.

(*I*) FORCING CIVILIANS OF OCCUPIED TERRITORIES TO SWEAR ALLEGIANCE TO A HOSTILE POWER

Civilians who joined the Speer Legion, as set forth in paragraph (*H*) above, were required under threat of depriving them of food, money and identity papers, to swear a solemn oath acknowledging unconditional obedience to Adolf Hitler, the Fuehrer of Germany, which was to them a hostile power.

In Lorraine, Civil Servants were obliged, in order to retain their positions, to sign a declaration by which they acknowledged the "return of their Country to the Reich", pledged themselves to obey without reservation the orders of their Chiefs and put themselves "at the active service of the Fuehrer and the Great National Socialist Germany".

A similiar pledge was imposed on Alsatian Civil Servants by threat of deportation or internment.

These acts violated Article 45 of the Hague Regulations, 1907, the laws and customs of war, the general principles of international law and Article 6 (*b*) of the Charter.

(*J*) GERMANIZATION OF OCCUPIED TERRITORIES

In certain occupied territories purportedly annexed to Germany the defendants methodically and pursuant to plan endeavoured to assimilate those territories politically, culturally, socially and economically into the German Reich. The defendants endeavoured to obliterate the former national character of these territories. In pursuance of these plans and endeavours, the defendants forcibly deported inhabitants who were predominantly non-German and introduced thousands of German colonists.

This plan included economic domination, physical conquest, installation of puppet Governments, purported de jure annexation and enforced conscription into the German Armed Forces.

This was carried out in most of the Occupied Countries including: Norway, France (particularly in the departments of Upper Rhine, Lower Rhine, Moselle, Ardennes, Aisne, Nord, Meurthe and Moselle), Luxembourg, the Soviet Union, Denmark, Belgium, Holland.

In France in the Departments of the Aisne, the Nord, the Meurthe and Moselle, and especially in that of the Ardennes, rural properties were seized by a German state organization which tried to have them exploited under German direction; the landowners of these exploitations were dispossessed and turned into agricultural labourers.

In the Department of the Upper Rhine, the Lower Rhine and the Moselle, the methods of Germanization were those of annexation followed by conscription.

1. From the month of August, 1940, officials who refused to take the oath of allegiance to the Reich were expelled. On September 21st expulsions and deportation of populations began and on November 22nd, 1940, more than 70,000 Lorrainers or Alsacians were driven into the South zone of France. From July 31, 1941, onwards, more than 100,000 persons were deported into the Eastern regions of the Reich or to Poland. All the property of the deportees or expelled persons was confiscated. At the same time, 80,000 Germans coming from the Saar or from Westphalia, were installed in Lorraine and 2,000 farms belonging to French people were transferred to Germans.

2. From 2nd January, 1942, all the young people of the Departments of the Upper Rhine and the Lower Rhine, aged from 10 to 18 years, were incorporated in the Hitler Youth. The same thing was done in the Moselle from 4th August, 1942. From 1940 all the French schools were closed, their staffs expelled, and the German school system was introduced in the three departments.

3. On the 28th September, 1940, an order applicable to the Department of the Moselle ordained the Germanization of all the surnames and christian names which were French in form. The same thing was done from the 15th January, 1943, in the Departments of the Upper Rhine and the Lower Rhine.

4. Two orders from the 23rd to 24th August, 1942, imposed by force German nationality on French citizens.

5. On the 8th May, 1941, for the Upper Rhine and the Lower Rhine, the 23rd April, 1941, for the Moselle, orders were promulgated enforcing compulsory labour service on all French citizens

of either sex aged from 17 to 25 years. From the 1st January, 1942, for young men and from the 26th January, 1942, for young girls, national labour service was effectively organized in the Moselle. It was from the 27th August, 1942, in the Upper Rhine and in the Lower Rhine for young men only. The classes 1940, 1941, 1942 were called up.

6. These classes were retained in the Wehrmacht on the expiration of their time and labour service. On the 19th August, 1942, an order instituted compulsory military service in the Moselle. On the 25th August, 1942, the classes 1940—44 were called up in three Departments. Conscription was enforced by the German authorities in conformity with the provisions of German legislation. The first revison boards took place from the 3rd September, 1942. Later in the Upper Rhine and the Lower Rhine new levies were effected everywhere on classes 1928 to 1939 inclusive. The French people who refused to obey these laws were considered as deserters and their families were deported, while their property was confiscated.

These acts violated Articles 43, 46, 55 and 56 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (*b*) of the Charter.

IX. Individual, group and organization responsibility for the offense stated in Count Three

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Three of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Three of the Indictment.

COUNT FOUR—CRIMES AGAINST HUMANITY

(Charter, Article 6, especially 6 (*c*).)

X. Statement of the Offense

All the defendants committed Crimes against Humanity during a period of years preceding 8th May, 1945 in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939 and in Austria and Czechoslovakia and in Italy and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit Crimes against Humanity as defined in Article 6(*c*) of the Charter. This plan involved, among other things, the murder and persecution of all who were or who were suspected of being hostile to the Nazi Party and all who were or who were suspected of being opposed to the common plan alleged in Count One.

The said Crimes against Humanity were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons, when committing the said War Crimes, performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organizers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws, of the general principles of criminal law as derived from the criminal law of all civilized nations and were involved in and part of a systematic course of conduct. The said acts were contrary to Article 6 of the Charter.

The prosecution will rely upon the facts pleaded under Count Three as also constituting Crimes against Humanity.

(*A*) MURDER, EXTERMINATION, ENSLAVEMENT, DEPORTATION AND OTHER INHUMANE ACTS COMMITTED AGAINST CIVILIAN POPULATIONS BEFORE AND DURING THE WAR

For the purposes set out above, the defendants adopted a policy of persecution, repression, and extermination of all civilians in Germany who were, or who were believed to, or who were believed likely to become, hostile to the Nazi Government and the common plan or conspiracy described in Count One. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder.

Special courts were established to carry out the will of the conspirators; favoured branches or agencies of the State and Party were permitted to operate outside the range even of nazified law and to crush all tendencies and elements which were considered "undesirable". The various concentration camps included Buchenwald, which was established in 1933 and Dachau, which was established in 1934. At these and other camps the civilians were put to slave labour, and murdered and ill-treated by divers means, including those set out in Count Three above, and these acts and policies were continued and extended to the occupied countries after the 1st September, 1939, and until 8th May, 1945.

(*B*) PERSECUTION ON POLITICAL, RACIAL AND RELIGIOUS GROUNDS IN EXECUTION OF AND IN CONNECTION WITH THE COMMON PLAN MENTIONED IN COUNT ONE

As above stated, in execution of and in connection with the common plan mentioned in Count One, opponents of the German Government were exterminated and persecuted. These persecutions were directed against Jews. They were also directed against persons whose political belief or spiritual aspirations were deemed to be in conflict with the aims of the Nazis.

Jews were systematically persecuted since 1933; they were deprived of their liberty, thrown into concentration camps where they were murdered and ill-treated. Their property was confiscated. Hundreds of thousands of Jews were so treated before the 1st September, 1939.

Since the 1st September, 1939, the persecution of the Jews was redoubled: millions of Jews from Germany and from the occupied Western Countries were sent to the Eastern Countries for extermination.

Particulars by way of example and without prejudice to the production of evidence of other cases are as follows:

The Nazis murdered amongst others Chancellor Dollfuss, the Social Democrat Breitscheid and the Communist Thaelmann. They imprisoned in concentration camps numerous political and religious personages, for example Chancellor Schuschnigg and Pastor Niemoeller.

In November, 1938 by orders of the Chief of the Gestapo, anti-Jewish demonstrations all over Germany took place. Jewish property was destroyed, 30,000 Jews were arrested and sent to concentration camps and their property confiscated.

Under paragraph VIII (*A*), above, millions of the persons there mentioned as having been murdered and ill-treated were Jews.

Among other mass murders of Jews were the following:

At Kislovdosk all Jews were made to give up their property: 2,000 were shot in an anti-tank ditch at Mineraliye Vodi: 4,300 other Jews were shot in the same ditch.

60,000 Jews were shot on an island on the Dvina near Riga.
20,000 Jews were shot at Lutsk.
32,000 Jews were shot at Sarny.
60,000 Jews were shot at Kiev and Dniepropetrovsk.

Thousands of Jews were gassed weekly by means of gas-wagons which broke down from overwork.

As the Germans retreated before the Soviet Army they exterminated Jews rather than allow them to be liberated. Many concentration camps and ghettos were set up on which Jews were incarcerated and tortured, starved, subjected to merciless atrocities and finally exterminated.

About 70,000 Jews were exterminated in Yugoslavia.

XI. Individual, group and organization responsibility for the offense stated in Count Four

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Four of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Four of the Indictment.

Wherefore, this Indictment is lodged with the Tribunal in English, French and Russian, each text having equal authenticity, and the charges herein made against the above named defendants are hereby presented to the Tribunal.

ROBERT H. JACKSON.
Acting on Behalf of the United States of America.
FRANCOIS DE MENTHON.
Acting on Behalf of the French Republic.
HARTLEY SHAWCROSS.
Acting on Behalf of the United Kingdom of Great Britain and Northern Ireland.
R. RUDENKO.
Acting on Behalf of the Union of Soviet Socialist Republics.

Berlin, 6*th October*, 1945.

APPENDIX A

Statement of Individual Responsibility for Crimes Set Out in Counts One, Two, Three and Four

The statements hereinafter set forth following the name of each individual defendant constitute matters upon which the prosecution will rely *inter alia* as establishing the individual responsibility of the defendant:

GOERING:

The defendant GOERING between 1932–1945 was: a member of the Nazi Party, Supreme Leader of the SA, General in the SS, a member and President of the Reichstag, Minister of the Interior of Prussia, Chief of the Prussian Police and Prussian Secret State Police, Chief of the Prussian State Council, Trustee of the Four Year Plan, Reich Minister for Air, Commander in Chief of the Air Force, President of the Council of Ministers for the Defense of the Reich, member of the Secret Cabinet Council, head of the Hermann Goering Industrial Combine, and Successor Designate to Hitler. The defendant GOERING used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military and economic preparation for war set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Agression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

RIBBENTROP:

The defendant RIBBENTROP between 1932–1945 was: a member of the Nazi Party, a member of the Nazi Reichstag, Advisor to the Fuehrer on matters of foreign policy, representative of the Nazi Party for matters of foreign policy, special German delegate for disarmament questions, Ambassador extraordinary, Ambassador in London, organizer and director of Dienststelle Ribbentrop, Reich Minister for Foreign Affairs, member of the Secret Cabinet Council, member of the Fuehrer's political staff at general headquarters, and General in the SS. The defendant RIBBENTROP used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators as set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances as set forth in Counts One and Two of the Indictment; in accordance with the Fuehrer Principle he executed and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

HESS:

The defendant HESS between 1921 and 1941 was a member of the Nazi Party, Deputy to the Fuehrer, Reich Minister without Portfolio, member of the Reichstag, member of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, Successor Designate to the Fuehrer after the defendant Goering, a General in the SS and a General in the SA. The defendant Hess used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military, economic and psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment: he participated in the preparation and planning of foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

KALTENBRUNNER:

The defendant KALTENBRUNNER between 1932–1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, a General of the Police, State Secretary for Security in Austria in charge of the Austrian Police, Police Leader of Vienna, Lower and Upper Austria, Head of the Reich Main Security Office and Chief of the Security Police and Security Service. The defendant KALTENBRUNNER used the foregoing positions and his personal influence in such a manner that: he promoted the consolidation of control over Austria seized by the Nazi conspirators as set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the Crimes against Humanity involved in the system of concentration camps.

ROSENBERG:

The defendant ROSENBERG between 1920 and 1945 was: a member of the Nazi Party, Nazi member of the Reichstag, Reichsleiter in the Nazi Party for Ideology and Foreign Policy, the Editor of the Nazi newspaper "Voelkischer Beobachter", and of the "NS Monatshefte", head of the Foreign Political Office of the Nazi Party, Special Delegate for the entire Spiritual and Ideological Training of the Nazi Party, Reich Minister for the Eastern Occupied Territories, organizer of the "Einsatzstab Rosenberg", a General in the SS and a General in the SA. The defendant ROSENBERG used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he developed, disseminated and exploited the doctrinal techniques of the Nazi conspirators set forth in Count One of the Indictment; he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRANK:

The defendant FRANK between 1932–1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister without Portfolio, Reich Commissar for the Coordination of Justice, President of the International Chamber of Law and Academy of German Law, Chief of the Civil Administration of Lodz, Supreme Administrative Chief of the military district of West Prussia, Poznan, Odz and Krakow and Governor General of the Occupied Polish territories. The defendant FRANK used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the administration of occupied territories.

BORMANN:

The defendant BORMANN between 1925 and 1945 was: a member of the Nazi Party, member of the Reichstag, a member of the Staff of the Supreme Command of the SA, founder and head of "Hilfskasse der NSDAP", Reichsleiter, Chief of Staff Office of the Fuehrer's Deputy, head of the Party Chancery, Secretary of the Fuehrer, member of the Council of Ministers for the Defence of the Reich, organizer and head of the Volkssturm, a General in the SS and a General in the SA. The defendant BORMANN used the foregoing position, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRICK:

The defendant FRICK between 1932–1945 was: a member of the Nazi Party, Reichsleiter, General in the SS, member of the Reichstag, Reich Minister of the Interior, Prussian Minister of the Interior, Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, head of the Central Office for the Reunification of Austria and the German Reich, Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the eastern incorporated territories, Eupen, Malmedy, and Moresnot, Director of the Central Office for the Protectorate of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all other occupied territories and Reich Protector for Bohemia and Moravia. The defendant FRICK used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Count One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

LEY:

The defendant LEY between 1932–1945 was: a member of the Nazi Party, Reichsleiter, Nazi Party Organization Manager, member of the Reichstag, leader of the German Labor Front, a General in the SA, and Joint Organizer of the Central Inspection for the Care of Foreign Workers. The defendant LEY used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany as set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity relating to the abuse of human beings for labor in the conduct of the aggressive wars.

SAUCKEL:

The defendant SAUCKEL between 1921 and 1945 was: a member of the Nazi Party, Gauleiter and Reichsstatthalter of Thuringia, a member of the Reichstag, General Plenipotentiary for the Employment of Labour under the Four Year Plan, Joint Organizer with the defendant Ley of the Central Inspection for the Care of Foreign Workers, a General in the SS and a General in the SA. The defendant SAUCKEL used the foregoing positions and his personal influence in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the indictment; he participated in the economic preparations for Wars of Aggression and Wars in Violation of Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in forcing the inhabitants of occupied countries to work as slave laborers in occupied countries and in Germany.

SPEER:

The defendant SPEER between 1932-1945 was: a member of the Nazi Party, Reichsleiter, member of the Reichstag, Reich Minister for Armament and Munitions, Chief of the Organization Todt, General Plenipotentiary for Armaments in the Office of the Four Year Plan, and Chairman of the Armaments Council. The defendant SPEER used the foregoing positions and his personal influence in such a manner that: he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the abuse and exploitation of human beings for forced labor in the conduct of aggressive war.

FUNK:

The defendant FUNK between 1932-1945 was: a member of the Nazi Party, Economic Adviser of Hitler, National Socialist Deputy to the Reichstag, Press Chief of the Reich Government, State Secretary of the Reich Ministry of Public Enlightenment and Propaganda, Reich Minister of Economics, Prussian Minister of Economics, President of the German Reichsbank, Plenipotentiary for Economy and member of the Ministerial Council for the Defense of the Reich. The defendant FUNK used the foregoing positions, his personal influence, and his close connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly crimes against persons and property in connection with the economic exploitation of occupied territories.

SCHACHT:

The defendant SCHACHT between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Minister of Economics, Reich Minister without Portfolio and President of the German Reichsbank. The defendant SCHACHT used the foregoing positions, his personal influence, and his connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the military and economic plans and preparation of the Nazi conspirators for Wars of Aggression, and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

PAPEN:

The defendant PAPEN between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Chancellor, Vice Chancellor under Hitler, special Plenipotentiary for the Saar, negotiator of the Concordat with the Vatican, Ambassador in Vienna and Ambassador in Turkey. The defendant PAPEN used the foregoing positions, his personal influence and his close connection with the Fuehrer in such manner that: he promoted the accession to power of the Nazi conspirators and participated in the consolidation of their control over Germany set forth in

Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

KRUPP:

The defendant KRUPP was between 1932-1945: head of Friedrich KRUPP A.G., a member of the General Economic Council, President of the Reich Union of German Industry, and head of the Group for Mining and Production of Iron and Metals under the Reich Ministry of Economics. The defendant KRUPP used the foregoing positions, his personal influence, and his connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the exploitation and abuse of human beings for labor in the conduct of aggressive wars.

NEURATH:

The defendant NEURATH between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister, Reich Minister of Foreign Affairs, President of the Secret Cabinet Council, and Reich Protector for Bohemia and Moravia. The defendant NEURATH used the foregoing positions, his personal influence, and his close connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; in accordance with the Fuehrer Principle he executed, and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the crimes against persons and property in the occupied territories.

SCHIRACH:

The defendant SCHIRACH between 1924 and 1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Youth Leader on the Staff of the SA Supreme Command, Reichsleiter in the Nazi Party for Youth Education, Leader of Youth of the German Reich, head of the Hitler Jugend, Reich Defence Commissioner and Reichstatthalter and Gauleiter of Vienna. The defendant SCHIRACH used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological and educational preparations for war and the militarization of Nazi dominated organizations set forth in Count One of the Indictment; and he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including, particularly, anti-Jewish measures.

SEYSS-INQUART:

The defendant SEYSS-INQUART between 1932-1945 was: a member of the Nazi Party, a General in the SS, State Councillor of Austria, Minister of the Interior and Security of Austria, Chancellor of Austria, a member of the Reichstag, a member of the Reich Cabinet, Reich Minister without Portfolio, Chief of the Civil Administration in South Poland, Deputy Governor-General of the Polish Occupied Territory, and Reich Commissar for the Occupied Netherlands. The defendant SEYSS-INQUART used the foregoing positions and his personal influence in such a manner that: he promoted the seizure and the consolidation of control over Austria by the Nazi conspirators set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against

Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

STREICHER:

The defendant STREICHER between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, a General in the SA, Gauleiter of Franconia, Editor in Chief of the anti-Semitic newspaper "Der Stuermer". The defendant STREICHER used the foregoing positions, his personal influence, and his close connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment: he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the incitement of the persecution of the Jews set forth in Count One and Count Four of the Indictment.

KEITEL:

The defendant KEITEL between 1938 and 1945 was: Chief of the High Command of the German Armed Forces, member of the Secret Cabinet Council, member of the Council of Ministers for the Defence of the Reich, and Field Marshal. The defendant KEITEL used the foregoing positions, his personal influence and his intimate connection with the Fuehrer in such a manner that: he promoted the military preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violations of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the ill treatment of prisoners of war and of the civilian population of occupied territories.

JODL:

The defendant JODL between 1932 and 1945 was: Lt. Colonel, Army Operations Department of the Wehrmacht, Colonel, Chief of OKW Operations Department, Major-General and Chief of Staff

OKW and Colonel-General. The defendant JODL used the foregoing positions, his personal influence, and his close connection with the Fuehrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

RAEDER:

The defendant RAEDER between 1928 and 1945 was: Commander-in-Chief of the German Navy, Generaladmiral, Grossadmiral, Admiralinspekteur of the German Navy, and a member of the Secret Cabinet Council. The defendant RAEDER used the foregoing positions and his personal influence in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed, and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed, and participated in the war crimes set forth in Count Three of the Indictment, including particularly war crimes arising out of sea warfare.

DOENITZ:

The defendant DOENITZ between 1932 and 1945 was: Commanding Officer of the Weddigen U-boat flotilla, Commander-in-Chief of the U-boat arm, Vice-Admiral, Admiral, Grossadmiral and Commander-in-Chief of the German Navy, Advisor to Hitler, and Successor to Hitler as head of the German Government. The defendant DOENITZ used the foregoing positions, his personal influence, and his intimate connection with the Fuehrer in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, including particularly the crimes against persons and property on the high seas.

FRITZSCHE:

The defendant FRITZSCHE between 1933 and 1945 was: a member of the Nazi Party, Editor-in-Chief of the official German news agency, "Deutsche Nachrichten Bureo", Head of the Wireless News Service and of the Home Press Division of the Reich Ministry of Propaganda, Ministerialdirektor of the Reich Ministry of Propaganda, head of the Radio Division of the Propaganda Department of the Nazi Party, and Plenipotentiary for the Political Organization of the Greater German Radio. The defendant FRITZSCHE used the foregoing positions and his personal influence to disseminate and exploit the principal doctrines of the Nazi conspirators set forth in Count One of the Indictment, and to advocate, encourage and incite the commission of the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment including, particularly, anti-Jewish measures and the ruthless exploitation of occupied territories.

APPENDIX B

Statement of Criminality of Groups and Organizations

The statements hereinafter set forth, following the name of each Group or Organization named in the Indictment as one which should be declared criminal, constitute matters upon which the prosecution will rely inter alia as establishing the criminality of the Group or Organization:

DIE REICHSREGIERUNG (REICH CABINET)

"Die Reichsregierung (Reich Cabinet)" referred to in the Indictment consists of persons who were:

(i) Members of the ordinary cabinet after 30 January 1933, the date on which Hitler became Chancellor of the German Republic. The term "ordinary cabinet" as used herein means the Reich Ministers, i.e., heads of departments of the central government; Reich

Ministers without portfolio; State ministers acting as Reich Ministers; and other officials entitled to take part in meetings of this cabinet.

(ii) Members of der Ministerrat fuer die Reichsverteidigung (Council of Ministers for the Defence of the Reich).

(iii) Members of der Geheimer Kabinettsrat (Secret Cabinet Council).

Under the Fuehrer, these persons functioning in the foregoing capacities and in association as a group, possessed and exercised legislative, executive, administrative and political powers and functions of a very high order in the system of German government. Accordingly, they are charged with responsibility for the policies adopted and put into effect by the government including those which comprehended and involved the commission of the crimes referred to in Counts, One, Two, Three and Four of the Indictment.

DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

"Das Korps der Politischen Leiter der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party)" referred to in the Indictment consists of persons who were at any time, according to common Nazi terminology, "Politischer Leiter" (Political Leaders) of any grade or rank.

The Politischen Leiter comprised the leaders of the various functional offices of the Party (for example, the Reichsleitung, or Party Reich Directorate, and the Gauleitung, or Party Gau Directorate), as well as the territorial leaders of the Party (for example, the Gauleiter).

The Politischen Leiter were a distinctive and élite group within the Nazi Party proper and as such were vested with special prerogatives. They were organized according to the leadership principle and were charged with planning, developing and imposing upon their followers the policies of the Nazi Party. Thus the territorial leaders among them were called Hoheitstraeger, or bearers of sovereignty, and were entitled to call upon and utilize the various Party formations when necessary for the execution of Party policies.

Reference is hereby made to the allegations in Count One of the Indictment showing that the Nazi Party was the central core of the common plan or conspiracy therein set forth. The Politischen Leiter, as a major power within the Nazi Party proper, and functioning in the capacities above described and in association as a group, joined in the common plan or conspiracy, and accordingly share responsibility for the crimes set forth in Counts One, Two, Three and Four of the Indictment.

The prosecution expressly reserves the right to request, at any time before sentence is pronounced, that Politischer Leiter of subordinate grades or ranks or of other types or classes, to be specified by the prosecution, be excepted from further proceedings in this Case No. 1, but without prejudice to other proceedings or actions against them.

DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SS) INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE SD)

"Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS) including Die Sicherheitsdienst (commonly known as the SD)" referred to in the Indictment consists of the entire corps of the SS and all offices, departments, services, agencies, branches, formations, organizations and groups of which it was at any time comprised or which were at any time integrated in it, including but not limited to, the Allgemeine SS, the Waffen SS, the SS Totenkopf Verbaende, SS Polizei Regimente and the Sicherheitsdienst des Reichsfuehrers-SS (commonly known as the SD).

The SS, originally established by Hitler in 1925 as an élite section of the SA to furnish a protective guard for the Fuehrer and Nazi Party leaders, became an independent formation of the Nazi Party in 1934 under the leadership of the Reichsfuehrer-SS, Heinrich Himmler. It was composed of voluntary members, selected in accordance with Nazi biological, racial and political theories, completely indoctrinated in Nazi ideology and pledged to uncompromising obedience to the Fuehrer. After the accession of the Nazi conspirators to power, it developed many departments, agencies, formations and branches and extended its influence and control over numerous fields of governmental and Party activity. Through Heinrich Himmler, as Reichsfuehrer-SS and Chief of the German Police, agencies and units of the SS and of the Reich were joined in operation to form a unified repressive police force. The Sicherheitsdienst des Reichsfuehrers-SS (commonly known as the SD), a department of the SS, was developed into a vast espionage and counter-intelligence system which operated in conjunction with the Gestapo and criminal police in detecting, suppressing and eliminating tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and eventually was combined with the Gestapo and criminal police in a single security police department, the Reich Main Security Office.

Other branches of the SS developed into an armed force and served in the wars of aggression referred to in Counts One and Two of the Indictment. Through other departments and branches the SS controlled the administration of concentration camps and the execution of Nazi racial, biological and resettlement policies. Through its numerous functions and activities it served as the instrument for insuring the domination of Nazi ideology and protecting and extending the Nazi regime over Germany and occupied territories. It thus participated in and is responsible for the crimes referred to in Counts One, Two, Three and Four of the Indictment.

DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE GESTAPO)

"Die Geheime Staatspolizei (Secret State Police, commonly known as the Gestapo)" referred to in the Indictment consists of the headquarters, departments, offices, branches and all the forces and personnel of the Geheime Staatspolizei organized or existing at any time after 30 January 1933, including the Geheime Staatspolizei of Prussia and equivalent secret or political police forces of the Reich and the components thereof.

The Gestapo was created by the Nazi conspirators immediately after their accession to power, first in Prussia by the defendant GOERING and shortly thereafter in all other states in the Reich. These separate secret and political police forces were developed into a centralized, uniform organization operating through a central headquarters and through a network of regional offices in Germany and in occupied territories. Its officials and operatives were selected on the basis of unconditional acceptance of Nazi ideology, were largely drawn from members of the SS, and were trained in SS and SD schools. It acted to suppress and eliminate tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and to repress resistance and potential resistance to German control in occupied territories. In performing these functions it operated free from legal control, taking any measures it deemed necessary for the accomplishment of its missions.

Through its purposes, activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

DIE STURMABTEILUNGEN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SA)

"Die Sturmabteilungen der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SA)" referred to in the Indictment was a formation of the Nazi Party under the immediate jurisdiction of the Fuehrer, organized on military lines, whose membership was composed of volunteers serving as political soldiers of the Party. It was one of the earliest formations of the Nazi Party and the original guardian of the National Socialist movement. Founded in 1921 as a voluntary militant formation, it was developed by the Nazi conspirators before their accession to power into a vast private army and utilized for the purpose of creating disorder, and terrorizing and eliminating political opponents. It continued to serve as an instrument for the physical, ideological and military training of Party members and as a reserve for the German armed forces. After the launching of the wars of aggression, referred to in Counts One and Two of the Indictment, the SA not only operated as an organization for military training but provided auxiliary police and security forces in occupied territories, guarded prisoner-of-war camps and concentration camps and supervised and controlled persons forced to labour in Germany and occupied territories.

Through its purposes and activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

GENERAL STAFF AND HIGH COMMAND OF THE GERMAN ARMED FORCES

The "General Staff and High Command of the German Armed Forces" referred to in the Indictment consist of those individuals who between February 1938 and May 1945 were the highest commanders of the Wehrmacht, the Army, the Navy, and the Air Forces. The individuals comprising this group are the persons who held the following appointments:

Oberbefehlshaber der Kriegsmarine (Commander in Chief of the Navy)

Chef (and, formerly, Chef des Stabes) der Seekriegsleitung (Chief of Naval War Staff)

Oberbefehlshaber des Heeres (Commander in Chief of the Army)

Chef des Generalstabes des Heeres (Chief of the General Staff of the Army)

Oberbefehlshaber der Luftwaffe (Commander in Chief of the Air Force)

Chef des Generalstabes der Luftwaffe (Chief of the General Staff of the Air Force)

Chef des Oberkommandos der Wehrmacht (Chief of the High Command of the Armed Forces)

Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Chief of the Operations Staff of the High Command of the Armed Forces)

Stellvertretender Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Deputy Chief of the Operations Staff of the High Command of the Armed Forces)

Commanders-in-Chief in the field, with the status of Oberbefehlshaber, of the Wehrmacht, Navy, Army, Air Force.

Functioning in such capacities and in association as a group at the highest level in the German Armed Forces Organization, these persons had a major responsibility for the planning, preparation, initiation and waging of illegal wars as set forth in Counts One and Two of the Indictment and for the War Crimes and Crimes against Humanity involved in the execution of the common plan or conspiracy set forth in Counts Three and Four of the Indictment.

APPENDIX C

Charges and Particulars of Violations of International Treaties, Agreements and Assurances Caused by the Defendants in the Course of Planning, Preparing and Initiating the Wars

I

CHARGE: *Violation of the Convention for the Pacific Settlement of International Disputes signed at The Hague,* 29 *July,* 1899.

PARTICULARS: In that Germany did, by force and arms, on the dates specified in Column 1, invade the territory of the sovereigns specified in Column 2, respectively, without first having attempted to settle its disputes with said sovereigns by pacific means.

Column 1	*Column 2*
6 April 1941	Kingdom of Greece
6 April 1941	Kingdom of Yugolsavia

II

CHARGE: *Violation of the Convention for the Pacific Settlement of International Disputes signed at The Hague,* 18 *October* 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, by force of arms invade the territory of the sovereigns specified in Column 2, respectively, without having first attempted to settle its dispute with said sovereigns by pacific means.

Column 1	*Column 2*
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

III

CHARGE: *Violation of Hague Convention III Relative to the Opening of Hostilities, signed* 18 *October* 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, commence hostilities against the countries specified in Column 2, respectively, without previous warning in the form of a reasoned declaration of war or an ultimatum with conditional declaration of war.

Column 1	*Column 2*
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
10 May 1940	Grand-Duchy of Luxembourg
22 June 1941	Union of Soviet Socialist Republics

IV

CHARGE: *Violation of Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, signed* 18 *October* 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, by force and arms of its military forces, cross into, invade, and occupy the territories of the sovereigns specified in Column 2, respectively, then and thereby violating the neutrality of said sovereigns.

Column 1	*Column 2*
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

V

CHARGE: *Violation of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles,* 28 *June* 1919, *known as the Versailles Treaty.*

PARTICULARS: (1) In that Germany did, on and after 7 March 1936, maintain and assemble armed forces and maintain and construct military fortifications in the demilitarized zone of the Rhineland in violation of the provisions of Articles 42 to 44 of the Treaty of Versailles.

(2) In that Germany did, on or about 13 March 1938, annex Austria into the German Reich in violation of the provisions of Article 80 of the Treaty of Versailles.

(3) In that Germany did, on or about 22 March 1939, incorporate the district of Memel into the German Reich in violation of the provisions of Article 99 of the Treaty of Versailles.

(4) In that Germany did, on or about 1 September 1939, incorporate the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

(5) In that Germany did, on or about 16 March 1939, incorporate the provinces of Bohemia and Moravia, formerly part of Czechoslovakia, into the German Reich in violation of the provisions of Article 81 of the Treaty of Versailles.

(6) In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty of Versailles, by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VI

CHARGE: *Violation of the Treaty between the United States and Germany Restoring Friendly Relations, signed at Berlin,* 25 *August* 1921.

PARTICULARS: In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty Between the United States and Germany Restoring Friendly Relations by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VII

CHARGE: *Violation of the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy, done at Locarno,* 16 *October* 1925.

PARTICULARS: (1) In that Germany did, on or about 7 March 1936, unlawfully send armed forces into the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(2) In that Germany did, on or about March 1936, and thereafter, unlawfully maintain armed forces in the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(3) In that Germany did, on or about 7 March 1936, and thereafter, unlawfully construct and maintain fortifications in the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(4) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, in violation of Article 2 of the Treaty of Mutual Guarantee.

(5) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, without first having attempted to settle its dispute with Belgium by peaceful means, in violation of Article 3 of the Treaty of Mutual Guarantee.

VIII

CHARGE: *Violation of the Arbitration Treaty between Germany and Czechoslovakia, done at Locarno,* 16 *October* 1925.

PARTICULARS: In that Germany did, on or about 15 March 1939, unlawfully by duress and threats of military might force Czechoslovakia to deliver the destiny of Czechoslovakia and its inhabitants into the hands of the Fuehrer and Reichschancellor of Germany without having attempted to settle its dispute with Czechoslovakia by peaceful means.

IX

CHARGE: *Violation of the Arbitration Convention between Germany and Belgium, done at Locarno,* 16 *October* 1925.

PARTICULARS: In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium without first having attempted to settle its dispute with Belgium by peaceful means.

X

CHARGE: *Violation of the Arbitration Treaty between Germany and Poland, done at Locarno,* 16 *October* 1925.

PARTICULARS: In that Germany did, on or about 1 September 1939, unlawfully attack and invade Poland without first having attempted to settle its dispute with Poland by peaceful means.

XI

CHARGE: *Violation of Convention of Arbitration and Conciliation entered into between Germany and the Netherlands on* 20 *May* 1926.

PARTICULARS: In that Germany, without warning and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and the Netherlands which were not capable of settlement by diplomacy and which had not been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 10 May 1940, with a Military force, attack, invade, and occupy the Netherlands, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XII

CHARGE: *Violation of Convention of Arbitration and Conciliation entered into between Germany and Denmark on* 2 *June 1926.*

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and Denmark which were not capable of settlement by diplomacy and which had not been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 9 April, 1940, with a Military Force, attack, invade, and occupy Denmark, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XIII

CHARGE: *Violation of Treaty between Germany and other Powers providing for Renunciation of War as an Instrument of*

National Policy, signed at Paris 27 *August* 1928, *known as the Kellogg-Briand Pact.*

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, with a military force, attack the sovereigns specified in Column 2, respectively, and resort to war against such sovereigns, in violation of its solemn declaration condemning recourse to war for the solution of international controversies, its solemn renunciation of war as an instrument of national policy in its relations with such sovereigns, and its solemn covenant that settlement or solution of all disputes or conflicts of whatever nature or origin arising between it and such sovereigns should never be sought except by pacific means.

Column 1	*Column 2*
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Kingdom of Belgium
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of the Netherlands
6 April 1941	Kingdom of Greece
6 April 1941	Kingdom of Yugoslavia
22 June 1941	Union of Soviet Socialist Republics
11 December 1941	United States of America

XIV

CHARGE: *Violation of Treaty of Arbitration and Conciliation entered into between Germany and Luxembourg on* 11 *September* 1929.

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes which might arise between it and Luxembourg which were not capable of settlement by diplomacy, did, on or about 10 May 1940, with a military force, attack, invade, and occupy Luxembourg, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XV

CHARGE: *Violation of the Declaration of Non-Aggression entered into between Germany and Poland on* 26 *January* 1934.

PARTICULARS: In that Germany proceeding to the application of force for the purpose of reaching a decision did, on or about 1 September 1939, at various places along the German-Polish frontier employ military forces to attack, invade and commit other acts of aggression against Poland.

XVI

CHARGE: *Violation of German Assurance given on* 21 *May* 1935 *that the Inviolability and Integrity of the Federal State of Austria would be Recognized.*

PARTICULARS: In that Germany did, on or about 12 March 1938, at various points and places along the German-Austrian frontier, with a military force and in violation of its solemn declaration and assurance, invade and annex to Germany the territory of the Federal State of Austria.

XVII

CHARGE: *Violation of Austro-German Agreement of* 11 *July 1936.*

PARTICULARS: In that Germany during the period from 12 February 1938 to 13 March 1938 did by duress and various aggressive acts, including the use of military force, cause the Federal State of Austria to yield up its sovereignty to the German State in violation of Germany's agreement to recognize the full sovereignty of the Federal State of Austria.

XVIII

CHARGE: *Violation of German Assurances given on* 30 *January* 1937, 28 *April* 1939, 26 *August* 1939 *and* 6 *October* 1939 *to Respect the Neutrality and Territorial Inviolability of the Netherlands.*

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences did, on or about 10 May 1940, with a military force and in violation of its solemn assurances, invade, occupy, and attempt to subjugate the sovereign territory of the Netherlands.

XIX

CHARGE: *Violation of German Assurances given on* 30 *January* 1937, 13 *October* 1937, 28 *April* 1939, 26 *August* 1939 *and* 6 *October* 1939 *to Respect the Neutrality and Territorial Integrity and Inviolability of Belgium.*

PARTICULARS: In that Germany, without warning, did on or about 10 May 1940, with a military force and in violation of its solemn assurances and declarations, attack, invade, and occupy the sovereign territory of Belgium.

XX

CHARGE: *Violation of Assurances given on* 11 *March* 1938 *and* 26 *September* 1938 *to Czechoslovakia.*

PARTICULARS: In that Germany, on or about 15 March

1939 did, by establishing a Protectorate of Bohemia and Moravia under duress and by the threat of force, violate the assurance given on 11 March 1938 to respect the territorial integrity of the Czechoslovak Republic and the assurance given on 26 September 1938 that, if the so-called Sudeten territories were ceded to Germany, no further German territorial claims on Czechoslovakia would be made.

XXI

CHARGE: *Violation of the Munich Agreement and Annexes of* 29 *September* 1938.

PARTICULARS: (1) In that Germany on or about 15 March 1939, did by duress and the threat of military intervention force the Republic of Czechoslovakia to deliver the destiny of the Czech people and country into the hands of the Fuehrer of the German Reich.

(2) In that Germany refused and failed to join in an international guarantee of the new boundaries of the Czechoslovakia state as provided for in Annex No. 1 to the Munich Agreement.

XXII

CHARGE: *Violation of the Solemn Assurance of Germany given on* 3 *September* 1939, 28 *April* 1939 *and* 6 *October* 1939 *that they would not violate the Independence or Sovereignty of the Kingdom of Norway.*

PARTICULARS: In that Germany, without warning did, on or about 9 April 1940, with its military and naval forces attack, invade and commit other acts of aggression against the Kingdom of Norway.

XXIII

CHARGE: *Violation of German Assurances given on* 28 *April* 1939 *and* 26 *August* 1939 *to Respect the Neutrality and Territorial Inviolability of Luxembourg.*

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences, did, on or about 10 May 1940, with a military force and in violation of the solemn assurances, invade, occupy, and absorb into Germany the sovereign territory of Luxembourg.

XXIV

CHARGE: *Violation of the Treaty of Non-Aggression between Germany and Denmark signed at Berlin* 31 *May* 1939.

PARTICULARS: In that Germany, without prior warning did, on or about 9 April 1940, with its military forces attack, invade and commit other acts of aggression against the Kingdom of Denmark.

XXV

CHARGE: *Violation of Treaty of Non-Aggression entered into between Germany and U.S.S.R. on* 23 *August* 1939.

PARTICULARS: (1) In that Germany did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U.S.S.R.

(2) In that Germany without warning or recourse to a friendly exchange of views or arbitration did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U.S.S.R.

XXVI

CHARGE: *Violation of German Assurance given on* 6 *October* 1939 *to Respect the Neutrality and Territorial Integrity of Yugoslavia.*

PARTICULARS: In that Germany, without prior warning did, on or about 6 April 1941, with its military forces attack, invade and commit other acts of aggression against the Kingdom of Yugoslavia.

STATEMENT OF RESERVATION TO THE INDICTMENT

Upon the signing of the Indictment in Berlin on 6 October 1945, Justice Jackson, on behalf of the United States, filed the following statement of reservation with the Tribunal and with the Chief Prosecutors of France, Great Britain, and Soviet Russia:

Berlin
6 October 1945

M. Francois de Menthon,
Sir Hartley Shawcross,
General R. A. Rudenko.

Dear Sirs:

In the Indictment of German War Criminals signed today, reference is made to Estonia, Latvia, Lithuania, and certain other territories as being within the area of the USSR. This language is proposed by Russia and is accepted to avoid the delay which would be occasioned by insistence on an alteration in the text. The Indictment is signed subject to this reservation and understanding.

I have no authority either to admit or to challenge, on behalf of the United States of America, Soviet claims to sovereignty over such territories. Nothing, therefore, in this Indictment is to be construed as a recognition by the United States of such sovereignty or as indicating any attitude, either on the part of the United States or on the part of the undersigned, toward any claim to recognition of such sovereignty.

Respectfully submitted,
[signed] Robert H. Jackson
ROBERT H. JACKSON
Chief of Counsel for the United States

To the Clerk or Recording Officer,
International Military Tribunal:

The representative of the United States has found it necessary to make certain reservations as to the possible bearing of certain language in the Indictment upon political questions which are considered to be irrelevant to the proceedings before this Tribunal. However, it is considered appropriate to disclose such reservations that they may not be unknown to the Tribunal in the event they should at any time be considered relevant. For that purpose, the foregoing copy is filed.

Chapter IV

MOTIONS, RULINGS, AND EXPLANATORY MATERIAL RELATING TO CERTAIN OF THE DEFENDANTS

Although 24 individuals were named as defendants in the Indictment signed in Berlin on 6 October 1945, only 22 remained as defendants when the trial commenced on 20 November. The number had been reduced by the suicide of Robert Ley and by the Tribunal's severance of Gustav Krupp von Bohlen und Halbach from the proceedings. Of the 22 surviving defendants only 20 appeared in the prisoners' dock at the opening of court. Martin Bormann, in the absence of clear evidence to the contrary, was presumed to be alive and at large. Ernst Kaltenbrunner had been hospitalized by a cranial hemorrhage, and as a consequence was unable to be present at the trial save for one period of a few days.

Defense counsel for two of the twenty men in the prisoners' dock, Hess and Streicher, sought to have the proceedings against their clients dismissed on the grounds of their mental incapacity to stand trial. Expert medical examiners concluded that both defendants were fit to defend themselves, and the proceedings against them were resumed. One of them, Hess, who had claimed to be a victim of amnesia, created something of a sensation by confessing in open court that he had only been pretending to suffer from amnesia and that his memory was actually in good repair.

Fuller explanatory notes concerning the positions taken by the prosecution and the defense and the actions of the Tribunal in the cases of each of these six defendants, together with significant papers bearing on these matters, are printed hereinafter.

1. ROBERT LEY

Pending the opening of the trial on 20 November 1945 the defendants were held in the prison at the Palace of Justice in Nurnberg, under the custody of the United States Army. In the evening of October 25 the guard on watch before the cell of Robert Ley noticed that the prisoner had maintained the same position for some time without moving. The guard entered the cell to find that although the prison officials had taken every known precaution, Ley had succeeded in committing suicide. Ley had ripped the hemmed edge from a towel, twisted it, soaked it in water, and fashioned it into a crude noose which he fastened to an overhead toilet flush pipe. He had then stuffed his mouth with rags, apparently torn from his own underwear. When he seated himself, strangulation was produced, and Robert Ley had succeeded in accomplishing his exit from the court of judgment, and from the world of living men. A farewell message written by Ley, together with other statements made by him during imprisonment, may be found at the end of the last volume (*Statements* XI—XIII).

2. GUSTAV KRUPP von BOHLEN und HALBACH

The name of Gustav Krupp von Bohlen und Halbach stood thirteenth on the list of twenty-four defendants accused in the Indictment signed in Berlin on 6 October 1945. On 4 November counsel for Krupp filed a motion requesting that the Tribunal defer proceedings against the defendant until his health permitted him to stand trial, and that he should not be tried in his absence. The Tribunal on 5 November appointed a medical commission consisting of representatives of the Soviet Union, France, Great Britain, and the United States, to examine Krupp and determine whether he was fit to stand trial. On 12 November the Chief of Counsel for the United States filed an answer opposing the motion of defense counsel and proposing that Gustav Krupp should not be dismissed from the proceedings unless Alfried Krupp, the son and sole owner of the Krupp Works, were substituted as a defendant. On 14 November, before the opening of the trial itself, the Tribunal heard oral argument by the prosecution and defense, in which substantially the same views were presented as had been previously expressed in the written motions.

The Tribunal on 15 November announced its ruling postponing the proceedings against Gustav Krupp, but retaining the Indictment charges against him on the docket for later trial if his physical and mental condition should permit. The ruling stated that the question of adding another name to the Indictment would be considered later. Thereupon, on 16 November, the American Chief of Counsel filed a memorandum with the Tribunal stating as a matter of record that the United States was not committed to participate in any subsequent four-power trial. On the same day the Soviet and French Chief Prosecutors joined the United States Chief of Counsel in a motion formally designating Alfried Krupp a defendant. On the following day the Tribunal announced its ruling rejecting the motion to add the name of Alfried Krupp as a defendant.

The significant papers pertaining to these questions are set forth below.

A. *MOTION BY DEFENSE COUNSEL FOR POSTPONEMENT OF PROCEEDINGS AGAINST GUSTAV KRUPP VON BOHLEN UND HALBACH*

Nurnberg, 4 November 1945

THEODOR KLEFISCH
LAWYER
COLOGNE, 43, BLUMENTHALSTRASSE

To: The International Military Tribunal Nurnberg.

As defending counsel to the accused Dr. Gustav Krupp von Bohlen und Halbach I beg to state that the proceedings against this accused be deferred until he is again fit for trial.

At any rate I request that the accused be not tried in his absence.

Reasons

By Article 12 of the Statute of the International Military Tribunal this court has the right to try an accused in his absence if he cannot be found, or if the court deem this necessary for other reasons in the interest of justice.

The 75 year old accused Krupp von Bohlen has for a long time been incapable of trial or examination owing to his severe physical and mental infirmities. He is not in a position to be in contact with the outside world nor to make or receive statements. The indictment was served on him on the 19th October 1945 by a representative of the International Military Tribunal by placing the document on his bed. The accused had no knowledge of this event. Consequently he is not aware of the existence of an indictment. Naturally therefore he is not capable of communicating either with his defense counsel nor with other persons on the subject of his defense.

To prove the above, 2 medical certificates are enclosed viz. that of the court medical expert Doctor Karl Gersdorf of Werfen Salzburg of 9th September 1945 and that of the Professor Doctor Otto Gerke of Bedgnstein of 13th September.

Latterly Herr Krupp von Bohlen has been examined several times by American military doctors. As far as it is possible I should like to request for another complete medical examination. If the accused is unable to appear before the court, then according to article 12 of the statute he could only be tried if the court deemed it necessary in the interests of justice.

Whatever may be understood by the phrase "in the interests of justice" it would hardly be objective justice to try a defendant accused of such serious crimes, if he were not informed of the contents of the accusations or if he were not given the chance to conduct his own defense or instruct a defense counsel. Particularly is he in no condition to comprehend the following rights of an accused set out in the statute:

1. By article 16 Section (a) of the statute a copy of the indictment in a language which he understands will be served on the accused at a suitably appointed time. In the first place this concerns the statement which the accused has to render on inquiry as to whether he admits his guilt or not, a statement which is of particular importance for the course of the trial and for the decision of the tribunal. This is all the more important as this statement regarding guilt or innocence can only be made exclusively by the accused himself according to his own judgment and after examining his conscience. So far as the procedure is admissable at all, the defense counsel could not at the request of the court express himself on the question of guilt as such a declaration presupposes the possibility of communication and understanding with the accused.

Also the defendant could not exercise the right to the last word to which he is entitled according to Article 24 Section f.

The legislators who set up these guarantees for the defense, cannot wish to deny them undeservedly to an accused who cannot make use of them owing to illness. If by Article 12 of the statute the trial of an absent defendant is allowed then this exception to the rule can only be applied to a defendant who is unwilling to appear though able to do so. As is the case with the criminal procedure rules of nearly all countries, it is on this principle that the rules and regulations concerning the trial of absent defendants are based.

[signed] Klefisch
Lawyer

B. *ANSWER FOR THE UNITED STATES TO THE MOTION FILED IN BEHALF OF KRUPP VON BOHLEN*

To the International Military Tribunal:

The United States respectfully opposes the application on behalf of Gustav Krupp von Bohlen und Halbach that his trial be "deferred until he is again fit for trial."

If the Tribunal should grant this application, the practical effect would be to quash all proceedings, for all time, against Krupp von Bohlen.

It appears that Krupp should not be arrested and brought to the court room for trial. But the plea is that the Tribunal also excuse him from being tried *in absentia.* This form of trial admittedly is authorized by Article 12 of the Charter of the Tribunal. Of course, trial *in absentia* in the circumstances of the case is an unsatisfactory proceeding either for prosecution or for defense. But the request that Krupp von Bohlen be neither brought to court nor tried in his absence is based on the contention that "the interest of justice" requires that he be thus excused from any form of trial. Public interests, which transcend all private considerations, require that Krupp von Bohlen shall not be dismissed unless some other representative of the Krupp armament and munitions interests be substituted. These public interests are as follows:

Four generations of the Krupp family have owned and operated the great armament and munitions plants which have been the chief source of Germany's war supplies. For over 130 years this family has been the focus, the symbol, and the beneficiary of the most sinister forces engaged in menacing the peace of Europe. During the period between the two World Wars the management of these enterprises was chiefly in defendant Krupp von Bohlen. It was at all times, however, a Krupp family enterprise. Krupp von Bohlen was only a nominal owner himself; his wife, Bertha Krupp, owned the bulk of the stock. About 1937 their son, Alfried Krupp, became plant manager and was actively associated in policy-making and executive management thereafter. In 1940, Krupp von Bohlen, getting on in years, became Chairman of the Board of the concerns, thus making way for Alfried, who became President. In 1943, Alfried became sole owner of the Krupp enterprises by agreement between the family and the Nazi government, for the purpose of perpetuating this business in Krupp family control. It is evident that the future menace of this concern lies in continuance of the tradition under Alfried, now reported to be an internee of the British Army of the Rhine.

To drop Krupp von Bohlen from this case without substitution of Alfried, drops from the case the entire Krupp family, and defeats any effective judgment against the German armament makers. Whether this would be "in the interests of justice" will appear from the following recital of only the most significant items of evidence now in possession of the United States as to the activities of Krupp von Bohlen, in which his son Alfried at all times aided, as did other associates in the vast armament enterprises, all plotting to bring about the second World War, and to aid in its ruthless and illegal conduct.

After the first World War, the Krupp family and their associates failed to comply with Germany's disarmament agreements, but all secretly and knowingly conspired to evade them.

In the March 1, 1940 issue of the Krupp Magazine, the defendant Krupp stated:

> "I wanted and had to maintain Krupp in spite of all opposition, as an armament plant for the later future, even if in camouflaged form. I could only speak in the smallest, most intimate circles, about the real reasons which made me undertake the changeover of the plants for certain lines of production. * * * Even the Allied snoop commissioners were duped. * * * After the accession to power of Adolf Hitler, I had the satisfaction of reporting to the Fuehrer that Krupp stood ready, after a short warming-up period, to begin rearmament of the German people without any gaps of experience * * *"

Krupp von Bohlen (and Alfried Krupp as well) lent his name, prestige, and financial support to bring the Nazi Party, with an avowed program of renewing the war, into power over the German State. On April 25, 1931 von Bohlen acted as chairman of the Association of German Industry to bring it into line with Nazi policies. On May 30, 1933 he wrote to Schacht that "it is proposed to initiate a collection in the most farreaching circles of German industry, including agriculture and the banking world, which is to be put at the disposal of the Fuehrer of the NSDAP in the name of 'The Hitler Fund' * * * I have accepted the chairmanship of the management council." Krupp contributed from the treasury of the main Krupp company 4,738,446 Marks to the Nazi Party fund. In June, 1935 he contributed 100,000 Marks to the Nazi Party out of his personal account.

The Nazi Party did not succeed in obtaining control of Germany until it obtained support of the industrial interests, largely through the influence of Krupp. Alfried first became a Nazi Party member and later von Bohlen did also. The Krupp influence was powerful in promoting the Nazi plan to incite aggressive warfare in Europe.

Krupp von Bohlen strongly advocated and supported Germany's withdrawal from the Disarmament Conference and from the League of Nations. He personally made repeated public speeches approving and inciting Hitler's program of aggression; on April 6th and 7th, 1938 two speeches approved annexation of Austria; on October 13, 1938 he publicly approved Nazi occupation of the Sudetenland; on September 4, 1939 he approved the invasion of Poland; on May 6, 1941 he spoke commemorating the success of

Nazi arms in the West. Alfried Krupp also made speeches to the same general effect. The Krupps were thus one of the most persistent and influential forces that made this war.

The Krupps also were the chief factor in getting ready for the war. In January, 1944 in a speech at the University of Berlin, von Bohlen boasted, "Through years of secret work, scientific and basic groundwork was laid in order to be ready again to work for the German Armed Forces at the appointed hour without loss of time or experience." In 1937, before Germany went to war, the Krupps booked orders to equip satellite governments on approval of the German High Command. Krupp contributed 20,000 Marks to the defendant Rosenberg for the purpose of spreading Nazi propaganda abroad. In a memorandum of October 12, 1939, a Krupp official wrote offering to mail propaganda pamphlets abroad at Krupp expense.

Once the war was on, Krupps, both von Bohlen and Alfried being directly responsible therefor, led German industry in violating treaties and International Law by employing enslaved laborers, impressed and imported from nearly every country occupied by Germany, and by compelling prisoners of war to make arms and munitions for use against their own countries. There is ample evidence that in Krupp's custody and service they were underfed and overworked, misused and inhumanly treated. Captured records show that in September, 1944, Krupp concerns were working 54,990 foreign workers and 18,902 prisoners of war.

Moreover, the Krupp companies profited greatly from destroying the peace of the world through support of the Nazi program. The rearmament of Germany gave Krupp huge orders and corresponding profits. Before this Nazi menace to the peace began, the Krupps were operating at a substantial loss. But the net profits after taxes, gifts and reserves steadily rose with rise of Nazi rearmament, being as follows:

	Marks
For year ending Sept. 30, 1935	57,216,392
For year ending Sept. 30, 1938	97,071,632
For year ending Sept. 30, 1941	111,555,216

The book value of the Krupp concerns mounted from 75,962,000 Marks on October 1, 1933 to 237,316,093 Marks on October 1, 1943. Even this included many going concerns in occupied countries carried at a book value of only 1 Mark each. These figures are subject to the adjustments and controversies usual with financial statements of each vast enterprise but approximately reflect the facts about property and operations.

The services of Alfried Krupp and of von Bohlen and their family to the war aims of the Nazi Party were so outstanding that the Krupp enterprises were made a special exception to the policy of nationalization of industries. Hitler said that he would be "prepared to arrange for any possible safeguarding for the continued existence of the works as a family enterprise; it would be simplest to issue 'lex Krupp' to start with." After short negotiations, this was done. A decree of November 12, 1943 preserves the Krupp works as a family enterprise in Alfried Krupp's control and recites that it is done in recognition of the fact that "for 132 years the firm of Fried. Krupp, as a family enterprise has achieved outstanding and unique merits for the armed strength of the German people."

It has at all times been the position of the United States that the great industrialists of Germany were guilty of the crimes charged in this Indictment quite as much as its politicians, diplomats, and soldiers. Its Chief of Counsel on June 7, 1945, in a report to President Truman, released by him and with his approval, stated that the accusations of crimes include individuals in authority in the financial, industrial, and economic life of Germany, as well as others.

Pursuant thereto, the United States, with approval of the Secretary of State, proposed to indict Alfried Krupp, son of Krupp von Bohlen, and President and owner of the Krupp concern. The Prosecutors representing the Soviet Union, the French Republic, and the United Kingdom unanimously opposed inclusion of Alfried Krupp. This is not said in criticism of them or their judgment. The necessity of limiting the number of defendants was considered by representatives of the other three nations to preclude the addition of Alfried Krupp. Learning the serious condition of Krupp von Bohlen, immediately upon service of the Indictment, the United States again called a meeting of Prosecutors and proposed an amendment to include Alfried Krupp. Again the proposal of the United States was defeated by a vote of three-to-one. If now the Tribunal shall exercise its discretion to excuse from trial the one indicted member of the Krupp family, one of the chief purposes of the United States will be defeated, and it is submitted that such a result is not "in the interests of justice."

The United States respectfully submits that no greater disservice to the future peace of the world could be done than to excuse the entire Krupp family and the armament enterprise from this trial in which aggressive war-making is sought to be condemned. The "interests of justice" cannot be determined without taking into account justice to the men of four generations whose lives have been taken or menaced by Krupp munitions and Krupp armament, and those of the future who can feel no safety if such persons as this escape all condemnation in proceedings such as this.

While of course the United States can not, without the concurrence of one other power, indict a new defendant, it can under the Charter alone oppose this Motion. The United States respectfully urges that if the favor now sought by Krupp von Bohlen is to be granted, it be upon the condition that Alfried Krupp be substituted or added as a defendant so that there may be a representative of the Krupp interests before the Tribunal.

It may be suggested that bringing in a new defendant would result in delay. Admitting, however, that a delay which cannot exceed a few days may be occasioned, it is respectfully suggested that the precise day that this trial will start is a less important consideration than whether it is to fail of one of its principal purposes. The American Prosecution Staff has been by long odds the longest and farthest away from home in this endeavor. On personal, as well as public interest considerations, it deplores delay. But we think the future, as well as the contemporary world, cannot fail to be shocked if, in a trial in which it is sought to condemn aggressive war-making, the Krupp industrial empire is completely saved from condemnation.

The complete trial brief of the United States on Krupp von Bohlen, with copies of the documents on which his culpability is asserted, will be made available to the Tribunal if it is desired as evidence concerning him and Alfried Krupp and the Krupp concerns.

Respectfully submitted:

[signed] Robert H. Jackson
12 November 1945. ROBERT H. JACKSON,
Chief of Counsel for the United States of America.

C. *RULING OF THE TRIBUNAL ON 15 NOVEMBER 1945*

IN THE MATTER OF THE APPLICATION OF COUNSEL FOR KRUPP VON BOHLEN FOR POSTPONEMENT OF THE PROCEEDINGS AGAINST THIS DEFENDANT

Council for Gustav Krupp von Bohlen has applied to the Tribunal for postponement of the proceedings against this defendant on the ground that his physical and mental condition are such that he is incapable of understanding the proceedings against him and of presenting any defence that he may have.

On November 5, the Tribunal appointed a medical commission composed of the following physicians: R. E. Tunbridge, Brigadier, O.B.E., M.D., M.Sc., F.R.C.P., Consulting Physician, British Army of the Rhine; Rene Piedelievre, M.D., Professor a la Faculte de Medicine de Paris; Expert pres les Tribuneaux; Nicolas Kurshakov, M.D., Professor of Medicine, Medical Institute of Moscow; Chief Internist, Commissariat of Public Health, U.S.S.R.; Eugene Sepp, M.D., Emeritus Professor of Neurology, Medical Institute of Moscow; Member, Academy of Sciences, U.S.S.R.; Eugene Krasnushkin, M.D.; Professor of Psychiatry, Medical Institute of Moscow; Bertram Schaffner, Major, Medical Corps, Neuropsychiatrist, Army of the United States.

The Commission has reported to the Tribunal that it is unanimously of the opinion that Krupp von Bohlen suffers from senile softening of the brain; that his mental condition is such that he is incapable of understanding court procedure and of understanding or cooperating in interrogations; that his physical state is such that he cannot be moved without endangering his life; and that his condition is unlikely to improve but rather will deteriorate further.

The Tribunal accepts the findings of the medical commission to which exception is taken neither by the Prosecution nor by the Defense.

Article 12 of the Charter authorizes the trial of a defendant *in absentia* if found by the Tribunal to be "necessary in the interests of justice". It is contended on behalf of the Chief Prosecutors that in the interests of justice Krupp von Bohlen should be tried *in absentia,* despite his physical and mental condition.

It is the decision of the Tribunal that upon the facts presented the interests of justice do not require that Krupp von Bohlen be tried *in absentia.* The Charter of the Tribunal envisages a fair trial in which the Chief Prosecutors may present the evidence in support of an indictment and the defendants may present such defence as they may believe themselves to have. Where nature rather than flight or contumacy has rendered such a trial impossible, it is not in accordance with justice that the case should proceed in the absence of a defendant.

For the foregoing reasons, the Tribunal *Orders that:*

1. The application for postponement of the proceeding against Gustav Krupp von Bohlen is granted.

2. The charges in the indictment against Gustav Krupp von Bohlen shall be retained upon the docket of the Tribunal for trial hereafter, if the physical and mental condition of the Defendant should permit.

Further questions raised by the Chief Prosecutors, including the question of adding another name to the Indictment, will be considered later.

D. *MEMORANDUM FILED BY THE UNITED STATES CHIEF OF COUNSEL*

TO THE INTERNATIONAL MILITARY TRIBUNAL

The United States, by its Chief of Counsel, respectfully shows:

The order of the Tribunal, that "The charges in the indictment against Gustav Krupp von Bohlen shall be retained upon the docket of the Tribunal for trial hereafter, if the physical and mental condition of the Defendant should permit," requires the United States to make clear its attitude toward subsequent trials, which may have been misapprehended by the Tribunal, in order that no inference be drawn from its silence.

The United States never has committed itself to participate in any Four Power trial except the one now pending. The purpose of accusing organizations and groups as criminal was to reach, through subsequent and more expeditious trials before Military Government or military courts, a large number of persons. According to estimates of the United States Army, a finding that the organizations presently accused are criminal organizations would result in the trial of approximately 130,000 persons now held in the custody of the United States Army; and I am uninformed as to those held by others. It has been the great purpose of the United States from the beginning to bring into this one trial all that is necessary by way of defendants and evidence to reach the large number of persons responsible for the crimes charged without going over the entire evidence again. We, therefore, desire that it be a matter of record that the United States has not been, and is not by this order, committed to participate in any subsequent Four Power trial. It reserves freedom to determine that question after the capacity to handle one trial under difficult conditions has been tested.

Respectfully submitted:

[signed] Robert H. Jackson
ROBERT H. JACKSON,
Chief of Counsel for the United States.

16 November 1945

E. *MOTION BY THE SOVIET, FRENCH, AND AMERICAN CHIEF PROSECUTORS TO DESIGNATE ALFRIED KRUPP AS A DEFENDANT*

TO THE INTERNATIONAL MILITARY TRIBUNAL:

Upon the Indictment, the motion of Gustav Krupp von Bohlen und Halbach and the answers thereto, and all proceedings had thereunder, the Committee of Prosecutors created under the Charter hereby designates Alfried Krupp von Bohlen und Halbach as a defendant and respectfully moves that the Indictment be amended by adding the name of Alfried Krupp von Bohlen und Halbach as a defendant, and by the addition of appropriate allegations in reference to him in the Appendix A thereof. It also moves that the time of Alfried Krupp be shortened from thirty days to December 2, 1945. For this purpose, the Committee of Prosecutors adopts and ratifies the Answer filed on behalf of the United States on November 12, 1945 in response to the Gustav Krupp von Bohlen und Halbach motion, and the motion made by Robert H. Jackson in open Court on behalf of the United States of America, The Soviet Union, and The Provisional Government of France. This motion is authorized by a resolution adopted at a meeting of the Committee of Prosecutors held on November 16, 1945.

[signed] Pokrovsky
For the Union of Soviet Socialist Republics
[signed] Francois de Menthon
For the Provisional Government of France
[signed] Robert H. Jackson
For the United States of America.

16 November 1945.

F. *RULING OF THE TRIBUNAL REJECTING THE PROSECUTION'S MOTION TO NAME ALFRIED KRUPP AS A DEFENDANT*

INTERNATIONAL MILITARY TRIBUNAL
Sitting at Nurnberg, Germany, on 17 November 1945,
In session 1500 hours

THE PRESIDENT: The motion to amend the indictment by adding the name of Alfried Krupp has been considered by the Tribunal in all its aspects and the application is rejected.

The Tribunal will now adjourn.

(Whereupon at 1505 the Tribunal adjourned.)

3. MARTIN BORMANN

As the day of the trial approached, Martin Bormann, although named as a defendant in the Indictment, had not yet been apprehended despite the efforts of numerous special investigators. On 17 November 1945 the Tribunal requested the views of the prosecution on the question of trial *in absentia*. Sir David Maxwell-Fyfe, Deputy Chief Prosecutor of Great Britain, reviewed the information available and, on behalf of the United States and France as well as Great Britain, stated that: "The prosecution cannot say that the matter is beyond a probability that Bormann is dead. There is still the clear possibility that he is alive." Notice had been publicly given, in the manner prescribed by the Tribunal, that Bormann had been named a defendant, and it was therefore suggested that the case fell within Article 12 of the Charter authorizing trial *in absentia*. The Soviet representative expressed concurrence; whereupon Lord Justice Lawrence, presiding, orally announced the Tribunal's ruling, on the same date:

> "The Tribunal has decided that, in pursuance of Article 12 of the Charter, it will try the Defendant Bormann in his absence, and it announces that counsel for the Defendant Bormann will be appointed to defend him."

Thereafter, the counsel named to defend Bormann moved for postponement of the proceedings against the defendant. The Tribunal announced on 22 November through Lord Justice Lawrence, presiding, that:

> "* * * in view of the fact that the provisions of the Charter and the Tribunal's rule of procedure have been strictly carried out in the notices which have been given, and the fact that counsel for Bormann will have ample time before they are called upon to present defense on his behalf, the motion is denied."

4. ERNST KALTENBRUNNER

On 18 November 1945, two days before the opening of the trial, Kaltenbrunner suffered a spontaneous subarachanoid hemorrhage and was taken to the hospital for treatment. He remained there until 6 December, when he was returned to the jail. He attended the 10 December session of the Tribunal and was in court for several days thereafter, but his condition deteriorated so that it was necessary to return him to the hospital for further treatment. Medical opinion expects at this writing (23 January), that he will be required to remain under hospital care for a considerable period.

On 2 January Kaltenbrunner's counsel, Dr. Kauffmann, requested the Tribunal to postpone the case against his client because of his illness. The Tribunal ruled (1) that the prosecution should proceed with any evidence which it proposed to direct against the criminality of organizations with which Kaltenbrunner was connected, (2) that any prosecution evidence directed against Kaltenbrunner as an individual should be withheld until the prosecution reached that part of its case in which it had planned to trace the responsibility of individual defendants, and (3) that Kaltenbrunner's case should properly be left until the end of this section of the evidence. If at that time the defendant should be still unable to be present in court, the Tribunal ruled that "the evidence will have to be given in his absence."

A closed session followed at which the Tribunal heard both the prosecution and defense counsel, as a result of which the Tribunal modified its ruling. Since the prosecution's evidence was so inextricably mingled that it was impossible to divide it between that which bore against Kaltenbrunner as an individual and that which bore against the organizations which he headed, the Tribunal ruled that it would hear the prosecution's evidence in its entirety. Counsel for Kaltenbrunner, however, was given the privilege of cross-examining at a later date any witnesses which the prosecution might call against Kaltenbrunner. The Tribunal pointed out that defense counsel would also, of course, have an opportunity to deal with any documentary evidence against Kaltenbrunner when the time came for the presentation of the defense case.

5. JULIUS STREICHER

Counsel for Streicher orally requested the Tribunal, on 15 November 1945, to appoint a commission to make a psychiatric examination of the defendant. This was requested for the Defense Counsel's "own protection", although the defendant thought himself normal and did not wish an examination. The Tribunal directed the Defense Counsel to make his motion in writing. The Soviet prosecutor suggested to the Tribunal the desirability of having such an examination, if it were necessary at all, while medical experts from the Soviet Union remained in Nurnberg. Subsequently a panel of three medical experts examined Streicher and reported that he was fit to stand trial. The Tribunal thereupon ruled, Lord Justice Lawrence making the announcement orally in court on 22 November, that

> "* * * the Tribunal wishes me to announce the decision on the application made on behalf of the Defendant Julius Streicher by his counsel that his condition should be examined. It has been examined by three medical experts on behalf of the Tribunal and their report has been submitted to and considered by the Tribunal; and it is as follows:
>
> "'1. The Defendant Julius Streicher is sane.

" '2. The Defendant Julius Streicher is fit to appear before the Tribunal, and to present his defense.

" '3. It being the unanimous conclusion of the examiners that Julius Streicher is sane, he is for that reason capable of understanding the nature and policy of his acts during the period of time covered by the indictment.'

"The Tribunal accepts the report of the medical experts and the trial against Julius Streicher will, therefore, proceed."

6. RUDOLF HESS

Through his pre-trial confinement in the Nurnberg prison, Hess had consistently maintained that he was suffering from amnesia and therefore could not remember facts concerning his previous activities. In order to determine Hess' mental state the Tribunal appointed a commission of psychiatric experts from the United States, Great Britain, Russia, and France, to examine the defendant and furnish a report. After receiving the medical report the Tribunal directed that oral argument by the prosecution and defense counsel should be heard on 30 November 1945 concerning the issues raised by the medical report. Prior to the oral argument, both the prosecution and defense filed written motions which outlined substantially the positions later taken in court.

At the conclusion of the oral arguments, the Tribunal called upon Hess for a statement. Hess thereupon announced that he had simulated loss of memory for tactical reasons and that his memory was "again in order." On the following day the Tribunal ruled that Hess was capable of standing trial and that his case would proceed.

The papers pertaining to these matters are set out below.

A. *RULING OF THE TRIBUNAL ORDERING ARGUMENT ON THE ISSUES PRESENTED BY THE MEDICAL REPORTS*

1. Counsel for the defendant Hess has made application to the Tribunal to appoint an expert designated by the medical faculty of the University of Zurich or of Lausanne to examine the defendant Hess with reference to his mental competence and capacity to stand trial. This application is denied.

2. The Tribunal has designated a commission composed of the following members:

Eugene Krasnuchkin, M.D., Professor Psychiatry,
Medical Institute of Moscow, assisted by

Eugene Sepp, M.D., Professor Neurology,
Medical Institute of Moscow
Member, Academy of Medical Sciences, USSR; and,
Nicolas Kuraskov, M.D., Professor of Medicine
Medical Institute of Moscow,
Chief Internist, Commissariat of Public Health, USSR.
Lord Moran, M.D., F.R.C.P.
President of the Royal College of Physicians, assisted by
Dr. T. Reece, M.D., F.R.C.P.
Chief Consultant Psychiatrist to the War Office, and
Dr. George Ruddock, M.D., F.R.C.P.
Director of Neurology to the London Hospital and
Chief Consultant Neurologist to the War Office
Dr. Nolan D. C. Lewis, assisted by
Dr. D. Ewen Cameron and
Col. Paul Schroeder, M.D.
Professor Jean Delay.

The Tribunal has requested the commission to examine the defendant Hess and furnish a report on the mental state of the defendant with particular reference to the question whether he is able to take his part in the trial, specifically: (1) Is the defendant able to plead to the indictment? (2) Is the defendant sane or not, and on this last issue the Tribunal wishes to be advised whether the defendant is of sufficient intellect to comprehend the course of the proceedings of the trial so as to make a proper defense, to challenge a witness to whom he might wish to object and to understand the details of the evidence.

3. The examiners have presented their reports to the Tribunal in the form which commends itself to them. It is directed that copies of the reports be furnished to each of the Chief Prosecutors and to defense counsel. The Tribunal will hear argument by the Prosecution and by defense counsel on the issues presented by the reports on Friday, November 30 at 4 P. M.

INTERNATIONAL MILITARY TRIBUNAL
[signed] Geoffrey Lawrence
Geoffrey Lawrence
President

Dated Nurnberg, Germany this 24th day of November, 1945
Copies of four (4) Medical Reports attached

(1) British Medical Report

REPORT on Rudolf Hess, telephoned from London.

"The undersigned, having seen and examined Rudolf Hess, have come to the following conclusion:

1. There are no relevant physical abnormalities.

2. His mental state is of a mixed type. He is an unstable man, and what is technically called a psychopathic personality. The evidence of his illness in the past four years, as presented by one of us who has had him under his care in England, indicates that he has had a delusion of poisoning, and other similar paranoid ideas.

Partly as a reaction to the failure of his mission, these abnormalities got worse, and led to suicidal attempts.

In addition, he has a marked hysterical tendency, which has led to the development of various symptoms, notably a loss of memory, which lasted from November 1943 to June 1944, and which resisted all efforts at treatment. A second loss of memory began in February 1945 and lasted till the present. This amnesic symptom will eventually clear, when circumstances change.

3. At the moment he is not insane in the strict sense. His loss of memory will not entirely interfere with his comprehension of the proceedings, but it will interfere with his ability to make his defense, and to understand details of the past, which arise in evidence.

4. We recommend that further evidence should be obtained by narco-analysis and that if the Court decides to proceed with the Trial, the question should afterwards be reviewed on psychiatric grounds."

[signed] Moran
J. Rees, MD, FRCP
George Riddoch

Dated 19th November, 1945

(2) Joint American and French Medical Report

20 November 1945

MEMORANDUM TO: Brigadier General Wm. L. Mitchell, General Secretary for the International Military Tribunal.

In response to request of the Tribunal that the defendant Rudolf Hess be examined, the undersigned psychiatrists examined Rudolf Hess on November 15th and 19th, 1945, in his cell in the Military Prison in Nurnberg.

The following examinations were made: physical, neurological and psychological.

In addition, documents were studied bearing information concerning his personal development and career. Reports concerning the period of his stay in England were scrutinized. The results of all psychological, special psychometric examinations and observations carried out by the prison psychiatrist and his staff were studied. Information was also derived from the official interrogation of the defendant on November 14th and November 16th, 1945.

(1) We find, as a result of our examinations and investigations, that Rudolf Hess is suffering from hysteria characterized in part by loss of memory. The nature of this loss of memory is such that it will not interfere with his comprehension of the proceedings, but it will interfere with his response to questions relating to his past and will interfere with his undertaking his defense.

In addition there is a conscious exaggeration of his loss of memory and a tendency to exploit it to protect himself against examination.

(2) We consider that the existing hysterical behaviour which the defendant reveals was initiated as a defense against the circumstances in which he found himself while in England; that it has now become in part habitual and that it will continue as long as he remains under the threat of imminent punishment, even though it may interfere with his undertaking a more normal form of defense.

(3) It is the unanimous conclusion of the undersigned that Rudolf Hess is not insane at the present time in the strict sense of the word.

(s) D. Ewen Cameron
DR. D. EWEN CAMERON
Professor of Psychiatrie, McGill University

(s) Paul L. Schroeder
COL. PAUL L. SCHROEDER
A.U.S. Neuropsychiatric Consultant

(s) Jean Delay
DR. JEAN DELAY
Professor of Psychiatrie at the Faculty of Medicine in Paris

(s) Nolan D. C. Lewis
DR. NOLAN D. C. LEWIS
Professor Psychiatry, Columbia University

(3) Soviet Medical Report

TO THE INTERNATIONAL MILITARY TRIBUNAL

In pursuance of the assignment by the Tribunal, we, the medical experts of the Soviet Delegation, together with the physicians of the English Delegation and in the presence of one representative of the American Medical Delegation, have examined Rudolf Hess and made a report on our examination of Mr. Hess together with our conclusions and interpretation of the behavior of Mr. Hess.

The statement of the general conclusions has been signed only by the physicians of the Soviet Delegation and by Professor Delay, the medical expert of the French Delegation.

Appendix: 1 Conclusions and 2 the Report on the examination of Mr. Hess.

(signed) Professor Krasnushkin,
Doctor of Medicine
(signed) Professor Sepp,
Honorary Scientist, Regular Member of the
Academy of Medicine
(signed) Professor Kushakov,
Doctor of Medicine, Chief Therapeutist of the
Commissariat of Health of the U.S.S.R.

November 17, 1945

(*a*) Conclusions

After observation and an examination of Rudolf Hess the undersigned have reached the following conclusions:

1. No essential physical deviations from normality were observed.

2. His mental conditions are of a mixed type. He is an unstable person, which in technical terms is called a psychopathic personality. The data concerning his illness during the period of the last four years submitted by one of us who had him under observation in England, show that he had a delusion of being poisoned and other similar paranoic notions.

Partly as a reaction to the failure of his mission there, the abnormal manifestations increased and led to attempts at suicide. In addition to the above mentioned he has noticeable hysterical tendencies which caused a development of various symptoms, primarily, of amnesia that lasted from November 1943 to June of 1944 and resisted all attempts to be cured.

The amnesia symptom may disappear with changing circumstances.

The second period of amnesia started in February of 1945 and has lasted up through the present.

3. At present he is not insane in the strict sense of the word. His amnesia does not prevent him completely from understanding what is going on around him but it will interfere with his ability to conduct his defense and to understand details of the past which would appear as factual data.

4. To clarify the situation we recommend that a narco-analysis

be performed on him and, if the Court decides to submit him to trial, the problem should be subsequently reexamined again from a psychiatric point of view.

The conclusion reached on November 14 by the physicians of the British Delegation, Lord Moran, Dr. T. Rees and Dr. G. Riddoch, and the physicians of the Soviet Delegation, Professors Krasnushkin, Sepp, and Kurshakov, was also arrived at on November 15 by the representative of the French Delegation, Professor Jean Delay.

After an examination of Mr. Hess which took place on November 15, 1945, the undersigned Professors and experts of the Soviet Delegation, Krasnushkin, Sepp and Kurshakov, and Professor Jean Delay, the expert from the French Delegation, have agreed on the following statement:

Mr. Hess categorically refused to be submitted to narco-analysis and resisted all other procedures intended to effect a cure of his amnesia, and stated that he would agree to undergo treatment only after the trial. The behavior of Mr. Hess makes it impossible to apply the methods suggested in Paragraph 4 of the report of November 14 and to follow the suggestion of that Paragraph in present form.

(signed) Professor Krasnushkin,
Doctor of Medicine
(signed) Professor Sepp,
Honorary Scientist, Regular Member of the
Academy of Medicine
(signed) Professor Kurshakov,
Doctor of Medicine, Chief Theraputist of the
Commissariat of Health of the U.S.S.R.
(signed) Professor Jean Delay
of the School of Medicine in Paris

November 16, 1945

(*b*) Record of Examination of Rudolf Hess

According to the information obtained on Nov. 16, 1945, during the interrogation of Rosenberg who had seen Hess immediately before the latter's flight to England, Hess gave no evidence of any abnormality either in appearance or conversation. He was, as usual, quiet and composed. Nor was it apparent that he might have been nervous. Prior to this, he was a calm person, habitually suffering pains in the region of the stomach.

As can be judged on the basis of the report of the English psychiatrist, Doctor Rees, who had Hess under observation from the first days of his flight to England, Hess, after the airplane crash, disclosed no evidence of a brain injury, but, upon arrest and incarceration, he began to give expression to ideas of persecution. He feared that he would be poisoned, or killed and his death represented as a suicide, and that all this would be done by the English under the hypnotic influence of the Jews. Furthermore, these delusions of persecution were maintained up to the news of the catastrophe suffered by the German Army at Stalingrad when the manifestations were replaced by amnesia. According to Doctor Rees, the delusions of persecution and the amnesia were observed not to take place simultaneously. Furthermore, there were two attempts at suicide. A knife wound, inflicted during the second attempt, in the skin near the heart gave evidence of a clearly hysterico-demonstrative character. After this there was again observed a change from amnesia to delusions of persecution, and during this period he wrote that he was simulating his amnesia, and, finally, again entered into a state of amnesia which has been prolonged up to the present.

According to the examination of Rudolf Hess on Nov. 14, 1945, the following was disclosed.

Hess complains of frequent cramping pains in the region of the stomach which appear independent of the taking of food, and headaches in the frontal lobes during mental strain, and, finally, of loss of memory.

In general his condition is marked by a pallor of the skin and a noticeable reduction in food intake.

Regarding the internal organs of Hess, the pulse is 92, and a shakening of the heart tone is noticeable. There has been no change in the condition of the other internal organs.

Concerning the neurological aspect, there are no symptoms of organic impairment of the nervous system.

Psychologically, Hess is in a state of clear consciousness; knows that he is in prison at Nurnberg under indictment as a war criminal; has read, and, according to his own words, is acquainted with the charges against him. He answers questions rapidly and to the point. His speech is coherent, his thoughts formed with precision and correctness and they are accompanied by sufficient emotionally expressive movements. Also, there is no kind of evidence of paralogism. It should also be noted here, that the present psychological examination, which was conducted by Lieut. Gilbert, M.D., bears out the testimony that the intelligence of Hess is normal and in some instances above the average. His movements are natural and not forced.

He has expressed no delirous fancies nor does he give any delirious explanation for the painful sensation in his stomach or the loss of memory, as was previously attested to by Doctor Rees, namely, when Hess ascribed them to poisoning. At the present time, to the question about the reason for his painful sensations and the loss of memory, Hess answers that this is for the doctors to know. According to his own assertions, he can remember almost nothing of his former life. The gaps in Hess' memory are ascertained only on the basis of the subjective changing of his testimony about his inability to remember this or that person or event given at different times. What he knows at the present time is, in his own words, what he allegedly learned only recently from the information of those around him and the films which have been shown him.

On Nov. 14 Hess refused the injection of narcotics which were offered for the purpose of making an analysis of his psychological condition. On Nov. 15, in answer to Prof. Delay's offer, he definitely and firmly refused narcosis and explained to him that, in general, he would take all measures to cure his amnesia only upon completion of the trial.

All that has been exposed above, we are convinced, permits, of the interpretation that the deviation from the norm in the behavior of Hess takes the following forms:

I. In the psychological personality of Hess there are no changes typical of the progressive schizophrenic disease, and therefore the delusions, from which he suffered periodically while in England, cannot be considered as manifestations of a schizophrenic paranoia, and must be recognized as the expression of a psychogenic paranoic reaction, that is, the psychologically comprehensible reaction of an unstable (psychologically) personality to the situation (the failure of his mission, arrest and incarceration). Such an interpretation of the delirious statements of Hess in England is bespoken by their disappearance, appearance and repeated disappearance depending on external circumstances which affected the mental state of Hess.

II. The loss of memory of Hess is not the result of some kind of mental disease but represents hysterical amnesia, the basis of which is a subconscious inclination toward self-defense as well as a deliberate and conscious tendency toward it. Such behavior often terminates when the hysterical person is faced with an unavoidable necessity of conducting himself correctly. Therefore, the amnesia of Hess may end upon his being brought to trial.

III. Rudolf Hess, prior to his flight to England, did not suffer from any kind of insanity, nor is he now suffering from it. At the present time he exhibits hysterical behavior with signs of a conscious-intentional (simulated) character, which does not exonerate him from his responsibility under the indictment.

(signed) Professor Krasnushkin,
Doctor of Medicine
(signed) Professor Sepp,
Honorary Scientist, Regular Member of the
Academy of Medicine
(signed) Professor Kurshakov,
Doctor of Medicine, Chief Theraputist of the
Commissariat of Health of the U.S.S.R.

17 November 1945

B. *MOTION BY DEFENSE COUNSEL FOR POSTPONEMENT OF PROCEEDINGS AGAINST HESS*

Attorney-at-law von Rohrscheidt
Defense Counsel for Rudolf Hess

Nurnberg, 29 November 1945

To the General Secretary of the International Military Tribunal,
Nurnberg:

Reference: Rudolf Hess—Session of 30 November 1945.

I. Reply to the request of the Tribunal of 28 November 1945.
II. Preparatory statement for the trial.

I

I, as Counsel for the Defendant Hess, answer the request of the Tribunal of 28 November 1945 as follows:

1. No formal objection is being raised by Defense against presentation and use of the expert opinions obtained by the Tribunal.

2. The Defense does not think the defendant Hess to be "verhandlungsfaehig" (in a state of health to be tried).

3. Material objections are being raised by the Defense, inasmuch as the expert opinion denies the competence of the defendant as a consequence of a mental disorder.

II

For the proceedings, I, as Counsel for the Defendant Hess, wish to make the following statement:

1. *I move:*

a. That a decision be made to adjourn the proceedings against the defendant temporarily.

b. That in case incapacity to be tried is asserted, proceedings in absentia against the defendant should not be carried on.

c. That in case my motion *ad a* is rejected, a super expert opinion be obtained from additional eminent psychiatrists.

2. I *argue* these motions as follows:

ad 1-a: The adjournment of the proceedings is necessary because of the unfitness of the defendant to follow them.

In this respect the (medical) opinions state unanimously upon the questions asked by the Tribunal, that "the ability of the Defendant Hess is impaired to the extent that he cannot defend himself, nor oppose a witness, nor understand the details of evidence." Even if the amnesia does not keep him from understanding what happens about him or to understand the course of the trial, this amnesia nevertheless has a disturbing effect on his defense.

The impairment of the defendant in his defense, through his amnesia, recognized by all opinions as a mental defect, has to be acknowledged as such, in view of the statements in the opinions of the Soviet, English and American Delegations of 14 November 1945, which designate the mental condition as one of a mixed kind, but more as one of a sort of mental abnormality. This will not make a pertinent defense possible for him (Hess).

In this respect, it does not have to be considered that the defendant is not mentally ill "in the literal meaning of the word" and that he can follow the proceedings. The question whether the defendant is at present incapable, as a result of the diminution of his "mental powers," to understand all occurrences and to defend himself properly, has nothing to do with his mental derangement when committing the crime.

In the opinion of counsel, the defendant is in no case in a position to make himself understood or to understand argument, because he is impaired in his mental clarity through the loss of his memory and because he has completely lost the knowledge of previous events and of people of former acquaintance.

Since the expert establishment of his mental disorder which impairs the defendant in the full execution of his defense, makes proceedings against him inadmissible, the statement of the defendant that he thinks himself capable of being tried has no significance.

According to expert opinion, the impairment of the defendant cannot be removed within a measurable space of time. It is not sure whether treatment through Narco-Analysis, as proposed by the medical experts, will have the desired result. The defendant has refused to submit to this treatment only because he thinks of himself as capable of being tried and consequently not in need of such treatment. Furthermore, because he is opposed to any forcible influence upon the body, and finally, he is afraid of physical disturbances which would prevent him from participating in the trial if such method of treatment is used at this time. The proceedings would have to be dropped in case of an illness of long duration which excludes his fitness to be tried.

ad 1-b: According to Article 12 of the Statutes, the Tribunal has the right to proceed against a defendant in absentia if he, the defendant, cannot be located or if the Tribunal thinks it necessary, for other reasons, in the interests of justice. If the Tribunal, on the basis of convincing expert opinions, establishes that the defendant is not in a position to put up a pertinent defense and consequently decides not to proceed against him, proceedings in absentia, according to Article 12, could then only be carried on if this is in the interest of justice. It would not be compatible with objective justice, in case that actual proof of this fact is available, if the defendant is impeded by an impairment based upon health reasons, in personally standing up for his rights and in being present at the trial.

In proceedings which accuse the defendant of such serious crimes and possibly carry the death penalty, it would not be compatible with objective justice if he were personally denied the opportunity to look after his rights as stated in Article 16 of the Statutes. These rights provide for his self-defense. The possibility to "personally present evidence for one's defense and to cross-examine each witness of the prosecution" is of such importance that any exclusion of such rights has to be considered an injustice toward the defendant. Proceedings in absentia can, under no circumstances, be accepted as a "fair trial."

The same is true for the exclusion of the defendant from the rights which are granted him during the proceedings according to Article 24.

If the defendant is impaired in his ability to defend himself for the reasons of the expert opinions, and to the extent explained therein, then he is just as little in a position to give his Counsel the necessary information and to enable him to take care of the defense in his absence.

Since the Statutes establish the rights for the defense in this precise manner, it does not seem fair to withhold these from a defendant in a case when he is prevented from personally taking care of his defense during the proceedings. The rules in Article 12, regarding the proceedings against an absent defendant, have to be considered as an exception which should only be used against a defendant who tries to dodge in spite of his being in a position to be tried. The Defendant Hess has always been prepared to be tried in order to avoid proceedings in absentia, which he considers an injustice of the highest measure.

ad 1-c: In case the Court should not agree with the explanations and should not consider the statements of the expert opinion in the sense of the defense, and therefore come to a denial of the Application *ad a*, it seems necessary to obtain the super opinion because the opinions testify to the fact that the defendant is a psychopathic personality who suffers from hallucinations and still today shows, in the loss of memory, clear signs of a serious hysteria. If the Tribunal does not consider these sentiments alone as sufficient for the establishment of incapability to be tried, a more intensive examination would have to follow which would not be confined to an examination of only one or two hours on several days, but require a clinical observation.

The opinions, themselves, provide for another examination of the mental condition of the defendant, which seems to prove that the experts possibly have a "disturbance of the mental capacity" in mind if the condition of the defendant lasts and the Tribunal, against expectations, declares the defendant unfit to be tried and therewith incompetent under all circumstances.

/Signed/ von Rohrscheidt
Attorney-at-Law

Translator: Dr. H. v. V. Veith

C. *ANSWER BY THE FOUR CHIEF PROSECUTORS*

TO THE INTERNATIONAL MILITARY TRIBUNAL: MATTER OF RUDOLF HESS

The undersigned representatives of their respective nations answer the request of the Tribunal of 28 November, 1945 respectfully as follows:

1. We do not challenge or question the report of the Committee.
2. It is our position that the defendant Rudolf Hess is fit to stand trial.
3. Observations may be filed by any of the undersigned based on their respective relationships to the subject matter.

[signed] R. RUDENKO
For the Union of Soviet Socialist Republics

[signed] C. DUBOST
For the Provisional Government of France

[signed] DAVID MAXWELL-FYFE
For the United Kingdom of Great Britain and Northern Ireland

[signed] ROBERT H. JACKSON
For the United States of America

29 November 1945

(1) Answer by the United States Chief of Counsel

TO THE INTERNATIONAL MILITARY TRIBUNAL:

The United States respectfully files the following observations on the application of RUDOLF HESS:

Hess' condition was known to the undersigned representative of the United States immediately after his delivery to the Nurnberg prison and was the subject of a report by Major Douglas McG. Kelley of the Medical Corps of the United States Army, which report is attached hereto.

The report of Major Kelley and his recommendation for treatment were submitted to me and on October 20, 1945, I advised that "any treatment of this case involving the use of drugs which might cause injury to the subject is disapproved." This was not because I disapproved of the treatment. I approve of the treatment and would insist on its being employed if the victim were a member of my own family. But I was of the opinion that the private administration of any kind of drug to Hess would be dangerous because if he should thereafter die, even of natural causes, it would become the subject of public controversy. This completely agreed with the opinion of the Security Officer, Colonel B. C. Andrus, whose report is attached.

In view of the statements contained in the medical report of the Commission and in view of the facts which I have recited, the United States must regard Hess as a victim, at most, of a voluntary amnesia and presenting no case for excuse from trial.

Respectfully submitted

[signed] Robert H. Jackson
Chief of Counsel for the United States.

29 November 1945.

[Enclosure]

HEADQUARTERS
INTERNAL SECURITY DETACHMENT
OFFICE US CHIEF OF COUNSEL
APO 403, US ARMY

16 October 1945

SUBJECT: Psychiatric Status of Internee.
TO: Commanding Officer, Internal Security Detachment.

1. Internee Rudolf HESS has been carefully studied since his admission to Nurnberg Prison.

2. On entry HESS manifested a spotty amnesia. The British

psychiatrist accompanying him stated that from 4 October 43 to 4 February 45 HESS presented symptoms of total amnesia. From 4 February 45 to 12 July 45 he recovered, and is said to have made a statement that his previous amnesia was simulated. On 12 July 45 he again developed amnesia which has lasted to the present. Also while in England HESS claimed he was being poisoned and sealed up numerous samples of food, chocolate, medicine, etc. as "evidence" to be analyzed prior to his trials. Such behavior could be either simulated or a true paranoid reaction.

3. Present examination reveals a normal mental status with the exception of the amnesia. Attitude and general behavior are normal, mood and affect, while slightly depressed, are intact and normal. Sensorium is intact and insight is good. Content reveals vague paranoid trends, but there is no evidence of any actual psychosis. His reactions to his suspicions are not fixed—and delusioned trends—are distinctly spotty and disconnected. His reactions are those of an individual who has given up a simulated behavior pattern rather than those of the psychotic. Oddly enough his memory for this phase of behavior is excellent.

4. Special examinations with Rorschach cards indicate some neurotic patterns. They point to a highly schizoid personality with hysterical and obsessive components. Such findings are confirmed in the patient's present reactions. He complains bitterly of "stomach cramps" which are obviously neurotic manifestations. He is over-dramatic in his actions presenting typical hysterical gestures, complaints and symptoms. His amnesia is at present limited to personal events concerning his history after joining the party. The amnesia however shifts in a highly suspicious fashion. Such amnesias may be hysterical in nature but in such cases do not change in depth from day to day and facts recently learned are not lost as with Hess.

5. In HESS' case there is also the factor of his long amnesia in England. It is quite possible that he has suggested an amnesia to himself for so long that he partially believes in it. In a person of hysterical make-up such auto suggestion could readily produce an amnesic state. Also the "gain" or protection found in amnesia, fancied or real, would be a bar to its easy clearance. Finally a large conscious element may well be present.

6. In this case I believe all those factors are present. Treatment will have to be formulated along lines attacking the suggestive factors and overcoming conscious restraints. Hypnosis would be a value but probably chemical hypnosis will be required. Such narco-hypnosis and analysis require the use of intra venous drugs of the barbitol series, either sodium amytol or sodium pentothal.

Such treatment is in general innocuous if proper precautions are taken. It must be borne in mind, however, that occasional accidents happen in any intravenous technique. With the drugs mentioned above rare fatalities have been reported although in more than 1000 such cases personally treated, I have never seen one.

7. Essentially the present situation is as follows:

a. Internee HESS is sane and responsible.

b. Internee HESS is a profound neurotic of the hysterical type.

c. His amnesia is of mixed etuology, stemming from auto suggestions and conscious malingering in a hysterical personality.

d. Treatment will be required if it is felt desirable to remove this amnesia.

e. Such treatment, though it cannot eliminate the conscious element is of great value in estimating its importance. With such techniques accurate estimates of malingering can be made. If this is a true amnesia, total recovery can be predicted.

f. Such treatment is essentially harmless except in extremely rare instances. In ordinary practice the value of the treatment far outweighs any of its hazards.

8. Clarification as to the desired degree of treatment in this case is requested.

[signed] DOUGLAS McG. KELLEY
Major, MC

1st Ind

HEADQUARTERS, INTERNAL SECURITY DETACHMENT, OFFICE US CHIEF OF COUNSEL—APO 403, U. S. ARMY—17 OCTOBER 1945

TO: Mr. Justice Jackson's Office US Chief of Counsel
APO 403, U. S. Army
(Attention: Colonel Gill)

HESS believes or has pretended that the British attempted to poison him. Treatment with drugs might call forth the same suspicion or allegation against us by him. Undue alarm might be injurious to the patient.

/s/ B. C. Andrus
/t/ B. C. ANDRUS
Colonel Cav
Commandant

2nd Ind

OFFICE US CHIEF OF COUNSEL, EXECUTIVE OFFICE, APO, 403, U. S. ARMY

20 October 1945

TO: Headquarters, Internal Security Detachment.
Office US Chief of Counsel

Any treatment of this case involving the use of drugs which might cause injury to the subject is disapproved.

ROBT. J. GILL
Colonel, CMP
Executive

D. *STATEMENT BY HESS TO THE TRIBUNAL CONCERNING HIS MEMORY*

30 November 1945
Afternoon Session

Mr. President: At the beginning of this afternoon's proceedings, I handed my defense counsel a note stating that I am of the opinion that these proceedings could be shortened if I could speak brieffy. What I have to say is as follows: In order to prevent any possibility of my being declared incapable of pleading—although I am willing to take part in the rest of the proceedings with the rest of them, I would like to make the following declaration to the Tribunal although I originally intended not to make this declaration until a later time. My memory is again in order. The reason why I simulated loss of memory was tactical. In fact, it is only that my power for concentration is slightly reduced but in conflict to that my capacity to follow the trial, my capacity to defend myself, to put questions to witnesses or even to answer questions—in these, my capacities are not influenced. I emphasize the fact that I bear full responsibility for everything that I have done, signed or have signed as co-signatory. My fundamental attitude that the Tribunal is not legally competent, is not affected by the statement I have just made. Hitherto, in my conversations with my official defense counsel, I have maintained my loss of memory. He was, therefore, acting in good faith when he asserted I had lost my memory."

E. *RULING OF THE TRIBUNAL*

The ruling of the International Military Tribunal was announced orally by Lord Justice Lawrence, presiding, on 1 December 1945:

"The Tribunal has given careful consideration to the motion of Counsel for the Defendant Hess, and it has had the advantage of hearing full argument upon it both from the Defense and from the Prosecution. The Tribunal has also considered the very full medical reports, which have been made on the condition of the Defendant Hess, and has come to the conclusion that no grounds whatever exist for a further examination to be ordered.

"After hearing the statement of the Defendant Hess in court yesterday, and in view of all the evidence, the Tribunal is of the opinion that the Defendant Hess is capable of standing his trial at the present time, and the motion of Counsel for the Defense is, therefore, denied, and the trial will proceed."

Chapter V

OPENING ADDRESS FOR THE UNITED STATES

The following address, opening the American case under Count I of the Indictment, was delivered by Justice Robert H. Jackson, Chief of Counsel for the United States, before the Tribunal on 21 November 1945:

May it please Your Honors,

The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason.

This tribunal, while it is novel and experimental, is not the product of abstract speculations nor is it created to vindicate legalistic theories. This inquest represents the practical effort of four of the most mighty of nations, with the support of seventeen more, to utilize International Law to meet the greatest menace of our times—aggressive war. The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched. It is a cause of this magnitude that the United Nations will lay before Your Honors.

In the prisoners' dock sit twenty-odd broken men. Reproached by the humiliation of those they have led almost as bitterly as by the desolation of those they have attacked, their personal capacity for evil is forever past. It is hard now to perceive in these miserable men as captives the power by which as Nazi leaders they once dominated much of the world and terrified most of it. Merely as individuals, their fate is of little consequence to the world.

What makes this inquest significant is that those prisoners represent sinister influence that will lurk in the world long after their bodies have returned to dust. They are living symbols of racial hatreds, of terrorism and violence, and of the arrogance and cruelty of power. They are symbols of fierce nationalisms and militarism, of intrigue and war-making which have embroiled Europe generation after generation, crushing its manhood, destroying its homes, and impoverishing its life. They have so identified themselves with the philosophies they conceived and with the forces they directed that any tenderness to them is a victory and an encouragement to all the evils which are attached to their names. Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with the men in whom those forces now precariously survive.

What these men stand for we will patiently and temperately disclose. We will give you undeniable proofs of incredible events. The catalogue of crimes will omit nothing that could be conceived by a pathological pride, cruelty, and lust for power. These men created in Germany, under the *Fuehrerprinzip,* a National Socialist despotism equalled only by the dynasties of the ancient East. They took from the German people all those dignities and freedoms that we hold natural and inalienable rights in every human being. The people were compensated by inflaming and gratifying hatreds toward those who were marked as "scape-goats." Against their opponents, including Jews, Catholics, and free labor the Nazis directed such a campaign of arrogance, brutality, and annihilation as the world has not witnessed since the pre-Christian ages. They excited the German ambition to be a "master race," which of course implies serfdom for others. They led their people on a mad gamble for domination. They diverted social energies and resources to the creation of what they thought to be an invincible war machine. They overran their neighbors. To sustain the "master race " in its war making, they enslaved millions of human beings and brought them into Germany, where these hapless creatures now wander as "displaced persons". At length bestiality and bad faith reached such excess that they aroused the sleeping strength of imperiled civilization. Its united efforts have ground the German war machine to fragments. But the struggle has left Europe a liberated yet prostrate land where a demoralized society struggles to survive. These are the fruits of the sinister forces that sit with these defendants in the prisoners' dock.

In justice to the nations and the men associated in this prosecution, I must remind you of certain difficulties which may leave their mark on this case. Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole Continent, and involving a score of nations, countless individuals, and innumerable events. Despite the magnitude of the task, the world has demanded immediate action. This demand has had to be met, though perhaps at the cost of finished craftsmanship. In my country, established courts, following familiar procedures, applying well thumbed precedents, and dealing with the legal consequences of local and limited events seldom commence a trial within a year of the event in litigation. Yet less than eight months ago today the courtroom in which you sit was an enemy fortress in the hands of German SS troops. Less than eight months ago nearly all our witnesses and documents were in enemy hands. The law had not been codified, no procedure had been established, no Tribunal was in existence, no usable courthouse stood here, none of the hundreds of tons of official German documents had been examined, no prosecuting staff had been assembled, nearly all the present defendants were at large, and the four prosecuting powers had not yet joined in common cause to try them. I should be the last to deny that the case may well suffer from incomplete researches and quite likely will not be the example of professional work which any of the prosecuting nations would normally wish to sponsor. It is, however, a completely adequate case to the judgment we shall ask you to render, and its full development we shall be obliged to leave to historians.

Before I discuss particulars of evidence, some general considerations which may affect the credit of this trial in the eyes of the world should be candidly faced. There is a dramatic disparity between the circumstances of the accusers and of the accused that might discredit our work if we should falter, in even minor matters, in being fair and temperate.

Unfortunately, the nature of these crimes is such that both prosecution and judgment must be by victor nations over vanquished foes. The worldwide scope of the aggressions carried out by these men has left but few real neutrals. Either the victors must judge the vanquished or we must leave the defeated to judge themselves. After the First World War, we learned the futility of the latter course. The former high station of these defendants, the notoriety of their acts, and the adaptability of their conduct to provoke retaliation make it hard to distinguish between the demand for a just and measured retribution, and the unthinking cry for vengeance which arises from the anguish of war. It is our task, so far as humanly possible, to draw the line between the two. We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well. We must summon such detachment and intellectual integrity to our task that this trial will commend itself to posterity as fulfilling humanity's aspirations to do justice.

At the very outset, let us dispose of the contention that to put these men to trial is to do them an injustice entitling them to some special consideration. These defendants may be hard pressed but they are not ill used. Let us see what alternative they would have to being tried.

More than a majority of these prisoners surrendered to or were tracked down by forces of the United States. Could they expect us to make American custody a shelter for our enemies against the just wrath of our Allies? Did we spend American lives to capture them only to save them from punishment? Under the principles of the Moscow Declaration, those suspected war criminals who are not to be tried internationally must be turned over to individual governments for trial at the scene of their outrages. Many less responsible and less culpable American-held prisoners have been and will be turned over to other United Nations for local trial. If these defendants should succeed, for any reason, in escaping the condemnation of this Tribunal, or if they obstruct or abort this trial, those who are American-held prisoners will be delivered up to our continental Allies. For these defendants, however, we have set up an International Tribunal and have undertaken the burden of participating in a complicated effort to give them fair and dispassionate hearings. That is the best known protection to any man with a defense worthy of being heard.

If these men are the first war leaders of a defeated nation to be prosecuted in the name of the law, they are also the first to be given a chance to plead for their lives in the name of the law. Realistically, the Charter of this Tribunal, which gives them a hearing, is also the source of their only hope. It may be that these men of troubled conscience, whose only wish is that the world forget them, do not regard a trial as a favor. But they do have a fair opportunity to defend themselves—a favor which these men, when in power, rarely extended to their fellow countrymen. Despite the fact that public opinion already condemns their acts, we agree that here they must be given a presumption of innocence, and we accept the burden of proving criminal acts and the responsibility of these defendants for their commission.

When I say that we do not ask for convictions unless we prove crime, I do not mean mere technical or incidental transgression of international conventions. We charge guilt on planned and intended conduct that involves moral as well as legal wrong. And we do not mean conduct that is a natural and human, even if illegal, cutting of corners, such as many of us might well have committed had we been in the defendants' positions. It is not because they yielded to the normal frailties of human beings that we accuse them. It is their abnormal and inhuman conduct which brings them to this bar.

We will not ask you to convict these men on the testimony of their foes. There is no count of the Indictment that cannot be proved by books and records. The Germans were always meticulous record keepers, and these defendants had their share of the Teutonic passion for thoroughness in putting things on paper. Nor were they without vanity. They arranged frequently to be photographed in action. We will show you their own films. You will see their own conduct and hear their own voices as these defendants reenact for you, from the screen, some of the events in the course of the conspiracy.

We would also make clear that we have no purpose to incriminate the whole German people. We know that the Nazi Party was not put in power by a majority of the German vote. We know it came to power by an evil alliance between the most extreme of the Nazi revolutionists, the most unrestrained of the German reactionaries, and the most aggressive of the German militarists. If the German populace had willingly accepted the Nazi program, no Stormtroopers would have been needed in the early days of the Party and there would have been no need for concentration camps or the Gestapo, both of which institutions were inaugurated as soon as the Nazis gained control of the German state. Only after these lawless innovations proved successful at home were they taken abroad.

The German people should know by now that the people of the United States hold them in no fear, and in no hate. It is true that the Germans have taught us the horrors of modern warfare, but the ruin that lies from the Rhine to the Danube shows that we, like our Allies, have not been dull pupils. If we are not awed by German fortitude and proficiency in war, and if we are not persuaded of their political maturity, we do respect their skill in the arts of peace, their technical competence, and the sober, industrious and self-disciplined character of the masses of the German people. In 1933, we saw the German people recovering prestige in the commercial, industrial and artistic world after the set-back of the last war. We beheld their progress neither with envy nor malice. The Nazi regime interrupted this advance. The recoil of the Nazi aggression has left Germany in ruins. The Nazi readiness to pledge the German word without hesitation and to break it without shame has fastened upon German diplomacy a reputation for duplicity that will handicap it for years. Nazi arrogance has made the boast of the "master race" a taunt that will be thrown at Germans the world over for generations. The

Nazi nightmare has given the German name a new and sinister significance throughout the world which will retard Germany a century. The German, no less than the non-German world, has accounts to settle with these defendants.

The fact of the war and the course of the war, which is the central theme of our case, is history. From September 1st, 1939, when the German armies crossed the Polish frontiers, until September, 1942, when they met epic resistance at Stalingrad, German arms seemed invincible. Denmark and Norway, The Netherlands and France, Belgium and Luxembourg, the Balkans and Africa, Poland and the Baltic States, and parts of Russia, all had been overrun and conquered by swift, powerful, well-aimed blows. That attack upon the peace of the world is the crime against international society which brings into international cognizance crimes in its aid and preparation which otherwise might be only internal concerns. It was aggressive war, which the nations of the world had renounced. It was war in violation of treaties, by which the peace of the world was sought to be safeguarded.

This war did not just happen—it was planned and prepared for over a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of the energies of any people as that which enabled Germany twenty years after it was defeated, disarmed, and dismembered to come so near carrying out its plan to dominate Europe. Whatever else we may say of those who were the authors of this war, they did achieve a stupendous work in organization, and our first task is to examine the means by which these defendants and their fellow conspirators prepared and incited Germany to go to war.

In general, our case will disclose these defendants all uniting at some time with the Nazi Party in a plan which they well knew could be accomplished only by an outbreak of war in Europe. Their seizure of the German state, their subjugation of the German people, their terrorism and extermination of dissident elements, their planning and waging of war, their calculated and planned ruthlessness in the conduct of warfare, their deliberate and planned criminality toward conquered peoples, all these are ends for which they acted in concert; and all these are phases of the conspiracy, a conspiracy which reached one goal only to set out for another and more ambitious one. We shall also trace for you the intricate web of organizations which these men formed and utilized to accomplish these ends. We will show how the entire structure of offices and officials was dedicated to the criminal purposes and committed to use of the criminal methods planned by these defendants and their co-conspirators, many of whom war and suicide have put beyond reach.

It is my purpose to open the case, particularly under Count One of the Indictment, and to deal with the common plan or conspiracy to achieve ends possible only by resort to crimes against peace, war crimes, and crimes against humanity. My emphasis will not be on individual barbarities and perversions which may have occurred independently of any central plan. One of the dangers ever present is that this trial may be protracted by details of particular wrongs and that we will become lost in a "wilderness of single instances." Nor will I now dwell on the activity of individual defendants except as it may contribute to exposition of the common plan.

The case as presented by the United States will be concerned with the brains and authority back of all the crimes. These defendants were men of a station and rank which does not soil its own hands with blood. They were men who knew how to use lesser folk as tools. We want to reach the planners and designers, the inciters and leaders without whose evil architecture the world would not have been for so long scourged with the violence and lawlessness, and wracked with the agonies and convulsions, of this terrible war.

THE LAWLESS ROAD TO POWER

The chief instrumentality of cohesion in plan and action was the National Socialist German Workers Party, known as the Nazi Party. Some of the defendants were with it from the beginning. Others joined only after success seemed to have validated its lawlessness or power had invested it with immunity from the processes of the law. Adolf Hitler became its supreme leader or *fuehrer* in 1921.

On the 24th of February, 1920, at Munich, it publicly had proclaimed its program (*1708-PS*). Some of its purposes would commend themselves to many good citizens, such as the demands for "profit-sharing in the great industries," "generous development of provision for old age," "creation and maintenance of a healthy middle class," "a land reform suitable to our national requirements," and "raising the standard of health." It also made a strong appeal to that sort of nationalism which in ourselves we call patriotism and in our rivals chauvinism. It demanded "equality of rights for the German people in its dealing with other nations and the evolution of the peace treaties of Versailles and St. Germaine." It demanded the "union of all

Germans on the basis of the right of self-determination of peoples to form a Great Germany." It demanded "land and territory (colonies) for the enrichment of our people and the settlement of our surplus population." All these, of course, were legitimate objectives if they were to be attained without resort to aggressive warfare.

The Nazi Party from its inception, however, contemplated war. It demanded "the abolition of mercenary troops and the formation of a national army." It proclaimed that "In view of the enormous sacrifice of life and property demanded of a nation by every war, personal enrichment through war must be regarded as a crime against the nation. We demand, therefore, the ruthless confiscation of all war profits." I do not criticise this policy. Indeed, I wish it were universal. I merely point out that in a time of peace, war was a preoccupation of the Party, and it started the work of making war less offensive to the masses of the people. With this it combined a program of physical training and sports for youth that became, as we shall see, the cloak for a secret program of military training.

The Nazi Party declaration also committed its members to an anti-Semitic program. It declared that no Jew or any person of non-German blood could be a member of the nation. Such persons were to be disfranchised, disqualified for office, subject to the alien laws, and entitled to nourishment only after the German population had first been provided for. All who had entered Germany after August 2, 1914 were to be required forthwith to depart, and all non-German immigration was to be prohibited.

The Party also avowed, even in those early days, an authoritarian and totalitarian program for Germany. It demanded creation of a strong central power with unconditional authority, nationalization of all businesses which had been "amalgamated," and a "reconstruction" of the national system of education which "must aim at teaching the pupil to understand the idea of the State (state sociology)." Its hostility to civil liberties and freedom of the press was distinctly announced in these words: "It must be forbidden to publish newspapers which do not conduce to the national welfare. We demand the legal prosecution of all tendencies in art or literature of a kind likely to disintegrate our life as a nation and the suppression of institutions which might militate against the above requirements."

The forecast of religious persecution was clothed in the language of religious liberty, for the Nazi program stated, "We demand liberty for all religious denominations in the State." But, it continues with the limitation, "so far as they are not a danger to it and do not militate against the morality and moral sense of the German race."

The Party program foreshadowed the campaign of terrorism. It announced, "We demand ruthless war upon those whose activities are injurious to the common interests", and it demanded that such offenses be punished with death.

It is significant that the leaders of this Party interpreted this program as a belligerent one certain to precipitate conflict. The Party platform concluded, "The leaders of the Party swear to proceed regardless of consequences—if necessary, at the sacrifice of their lives—toward the fulfillment of the foregoing points." It is this Leadership Corps of the Party, not its entire membership, that stands accused as a criminal organization.

Let us now see how the leaders of the Party fulfilled their pledge to proceed regardless of consequences. Obviously, their foreign objectives, which were nothing less than to undo international treaties and to wrest territory from foreign control, as well as most of their internal program, could be accomplished only by possession of the machinery of the German State. The first effort, accordingly, was to subvert the Weimar Republic by violent revolution. An abortive putsch at Munich in 1923 landed many of them in jail. The period of meditation which followed produced *Mein Kampf,* henceforth the source of law for the Party workers and a source of considerable revenue to its supreme leader. The Nazi plans for the violent overthrow of the feeble Republic then turned to plans for its capture.

No greater mistake could be made than to think of the Nazi Party in terms of the loose organizations which we of the western world call "political parties." In discipline, structure, and method the Nazi Party was not adapted to the democratic process of persuasion. It was an instrument of conspiracy and of coercion. The Party was not organized to take over power in the German State by winning support of a majority of the German people. It was organized to seize power in defiance of the will of the people.

The Nazi Party, under the *Fuehrerprinzip,* was bound by an iron discipline into a pyramid, with the Fuehrer, Adolf Hitler, at the top and broadening into a numerous Leadership Corps, composed of overlords of a very extensive Party membership at the base. By no means all of those who may have supported the movement in one way or another were actual Party members. The membership took the Party oath which in effect, amounted to an abdication of personal intelligence and moral responsibility. This was the oath: "I vow inviolable fidelity to Adolf Hitler; I vow absolute obedience to him and to the leaders he designates for me." The membership in daily practice followed its leaders with an idolatry and self-surrender more Oriental than Western.

We will not be obliged to guess as to the motives or goal of the Nazi Party. The immediate aim was to undermine the Weimar Republic. The order to all Party members to work to that end was given in a letter from Hitler of August 24, 1931 to Rosenberg, of which we will produce the original. Hitler wrote,

> "I am just reading in the VOELKISCHER BEOBACHTER, edition 235/236, page 1, an article entitled "Does Wirth intend to come over?" The tendency of the article is to prevent on our part a crumbling away from the present form of government. I myself am travelling all over Germany to achieve exactly the opposite. May I therefore ask that my own paper will not stab me in the back with tactically unwise articles * * *" *(047–PS).*

Captured film enables us to present the defendant, Alfred Rosenberg, who from the screen will himself tell you the story. The SA practiced violent interference with elections. We have the reports of the SD describing in detail how its members later violated the secrecy of elections in order to identify those who opposed them. One of the reports makes this explanation:

> "The control was effected in the following way: some members of the election-committee marked all the ballot papers with numbers. During the ballot itself, a voters' list was made up. The ballot-papers were handed out in numerical order, therefore it was possible afterwards with the aid of this list to find out the persons who cast no-votes or invalid votes. One sample of these marked ballot-papers is enclosed. The marking was done on the back of the ballot-papers with skimmed milk * * *" (*R–142*).

The Party activity, in addition to all the familiar forms of political contest, took on the aspect of a rehearsal for warfare. It utilized a Party formation, *DIE STURMABTEILUNGEN*, commonly known as the SA. This was a voluntary organization of youthful and fanatical Nazis trained for the use of violence under semi-military discipline. Its members began by acting as bodyguards for the Nazi leaders and rapidly expanded from defensive to offensive tactics. They became disciplined ruffians for the breaking up of opposition meetings and the terrorization of adversaries. They boasted that their task was to make the Nazi

Party "master of the streets." The SA was the parent organization of a number of others. Its offspring include *DIE SCHUTZSTAFFELN*, commonly known as the SS, formed in 1925 and distinguished for the fanaticism and cruelty of its members; *DER SICHERHEITSDIENST*, known as the SD; and *DIE GEHEIME STAATSPOLIZEI*, the Secret State Police, the infamous Gestapo formed in 1934 after Nazi accession to power.

A glance at a chart of the Party organization *(Chart No. 1)* is enough to show how completely it differed from the political parties we know. It had its own source of law in the fuehrer and sub-fuehrers. It had its own courts and its own police. The conspirators set up a government within the Party to exercise outside the law every sanction that any legitimate state could exercise and many that it could not. Its chain of command was military, and its formations were martial in name as well as in function. They were composed of battalions set up to bear arms under military discipline, motorized corps, flying corps, and the infamous "Death Head Corps", which was not misnamed. The Party had its own secret police, its security units, its intelligence and espionage division, its raiding forces, and its youth forces. It established elaborate administrative mechanisms to identify and liquidate spies and informers, to manage concentration camps, to operate death vans, and to finance the whole movement. Through concentric circles of authority, the Nazi Party, as its leadership later boasted, eventually organized and dominated every phase of German life—but not until they had waged a bitter internal struggle characterized by brutal criminality. In preparation for this phase of their struggle, they created a party police system. This became the pattern and the instrument of the police state, which was the first goal in their plan.

The Party formations, including the Leadership Corps of the Party, the SD, the SS, the SA and the infamous Secret State Police, or Gestapo—all these stand accused before you as criminal organizations; organizations which, as we will prove from their own documents, were recruited only from recklessly devoted Nazis, ready in conviction and temperament to do the most violent of deeds to advance the common program. They terrorized and silenced democratic opposition and were able at length to combine with political opportunists, militarists, industrialists, monarchists, and political reactionaries.

On January 30, 1933 Adolf Hitler became Chancellor of the German Republic. An evil combination, represented in the prisoners' dock by its most eminent survivors, had succeeded in possessing itself of the machinery of the German Government, a facade behind which they thenceforth would operate to make a reality of the war of conquest they so long had plotted. The conspiracy had passed into its second phase.

THE CONSOLIDATION OF NAZI POWER

We shall now consider the steps, which embraced the most hideous of crimes against humanity, to which the conspirators resorted in perfecting control of the German State and in preparing Germany for the aggressive war indispensable to their ends.

The Germans of the 1920's were a frustrated and baffled people as a result of defeat and the disintegration of their traditional government. The democratic elements, which were trying to govern Germany through the new and feeble machinery of the Weimar Republic, got inadequate support from the democratic forces of the rest of the world. It is not to be denied that Germany, when world-wide depression was added to her other problems, was faced with urgent and intricate pressure in her economic and political life which necessitated bold measures.

The internal measures by which a nation attempts to solve its problems are ordinarily of no concern to other nations. But the Nazi program from the first was recognized as a desperate program for a people still suffering the effects of an unsuccessful war. The Nazi policy embraced ends always recognized as attainable only by a renewal and a more successful outcome of war. The conspirators' answer to Germany's problems was nothing less than to plot the regaining of territories lost in the First World War and the acquisition of other fertile lands of Central Europe by dispossessing or exterminating those who inhabited them. They also contemplated destroying or permanently weakening all other neighboring peoples so as to win virtual domination of Europe and probably of the world. The precise limits of their ambition we need not define for it was and is as illegal to wage aggressive war for small stakes as for large ones.

We find at this period two governments in Germany—the real and the ostensible. The forms of the German Republic were maintained for a time, and it was the outward and visible government. But the real authority in the State was outside of and above the law and rested in the Leadership Corps of the Nazi Party.

On February 27, 1933, less than a month after Hitler became Chancellor, the Reichstag building was set on fire. The burning of this symbol of free parliamentary government was so providential for the Nazis that it was believed they staged the fire themselves. Certainly when we contemplate their known crimes, we cannot believe they would shrink from mere arson. It is not necessary, however, to resolve the controversy as to who set the fire. The significant point is in the use that was made of the fire and of the state of public mind it produced. The Nazis immediately accused the Communist Party of instigating and committing the crime, and turned every effort to portray this single act of arson as the beginning of a Communist revolution. Then, taking advantage of the hysteria, the Nazi met this phantom revolution with a real one. In the following December, the German Supreme Court with commendable courage and independence acquitted the accused Communists, but it was too late to influence the tragic course of events which the Nazi conspirators had set rushing forward.

Hitler, on the morning after the fire, obtained from the aged and ailing President von Hindenburg a Presidential decree suspending the extensive guarantees of individual liberty contained in the Constitution of the Weimar Republic. The decree provided that:

> "Sections 114, 115, 117, 118, 123, 124 and 153 of the Constitution of the German Reich are suspended until further notice. Thus, restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searches, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed." *(1390-PS).*

The extent of the restriction on personal liberty under the decree of February 28, 1933 may be understood by reference to the rights under the Weimar Constitution which were suspended:

> "*Article 114.* The freedom of the person is inviolable. Curtailment or deprivation of personal freedom by a public authority is only permissible on a legal basis.
>
> "Persons who have been deprived of their freedom must be informed at the latest on the following day by whose authority and for what reasons the deprivation of freedom was ordered; opportunity shall be afforded them without delay of submitting objections to their deprivation of freedom.
>
> "*Article 115.* Every German's home is his sanctuary and

inviolable. Exceptions may only be made as provided by law.

* * * * *

"*Article 117.* The secrecy of letters and all postal, telegraphic and telephone communications is inviolable. Exceptions are inadmissible except by Reich law.

"*Article 118.* Every German has the right, within the limits of the general laws, to express his opinions freely in speech, in writing, in print, in picture form or in any other way. No conditions of work or employment may detract from this right and no disadvantage may accrue to him from any person for making use of this right. * * *

* * * * *

"*Article 123.* All Germans have the right to assemble peacefully and unarmed without giving notice and without special permission.

"A Reich law may make previous notification obligatory for assemblies in the open air, and may prohibit them in the case of immediate danger to the public safety.

"*Article 124.* All the Germans have the right to form associations or societies for purposes not contrary to criminal law. This right may not be curtailed by preventive measures. The same provisions apply to religious associations and societies.

"Every association may become incorporated (Erwerb der Rechtsfaehigkeit) according to the provisions of the civil law. The right may not be refused to any association on the grounds that its aims are political, social-political or religious.

* * * * *

"*Article 153.* Property is guaranteed by the Constitution. Its content and limits are defined by the laws.

"Expropriation can only take place for the public benefit and on a legal basis. Adequate compensation shall be granted, unless a Reich law orders otherwise. In the case of dispute concerning the amount of compensation, it shall be possible to submit the matter to the ordinary civil courts, unless Reich laws determine otherwise. Compensation must be paid if the Reich expropriates property belonging to the Lands, Communes, or public utility associations.

"Property carries obligations. Its use shall also serve the common good." *(2050–PS).*

It must be said in fairness to von Hindenburg that the Constitution itself authorized him temporarily to suspend these fundamental rights "if the public safety and order in the German Reich are considerably disturbed or endangered." It must also be acknowledged that President Ebert previously had invoked this power.

But the National Socialist coup was made possible because the terms of the Hitler-Hindenburg decree departed from all previous ones in which the power of suspension had been invoked. Whenever Ebert had suspended constitutional guarantees of individual rights, his decree had expressly revived the Protective Custody Act adopted by the Reichstag in 1916 during the previous war. This Act guaranteed a judicial hearing within 24 hours of arrest, gave a right to have counsel and to inspect all relevant records, provided for appeal, and authorized compensation from Treasury funds for erroneous arrests.

The Hitler-Hindenburg decree of February 28, 1933 contained no such safeguards. The omission may not have been noted by von Hindenburg. Certainly he did not appreciate its effect. It left the Nazi police and party formations, already existing and functioning under Hitler, completely unrestrained and irresponsible. Secret arrest and indefinite detention, without charges, without evidence, without hearing, without counsel, became the method of inflicting inhuman punishment on any whom the Nazi police suspected or disliked. No court could issue an injunction, or writ of *habeas corpus*, or *certiorari*. The German people were in the hands of the police, the police were in the hands of the Nazi Party, and the Party was in the hands of a ring of evil men, of whom the defendants here before you are surviving and representative leaders.

The Nazi conspiracy, as we shall show, always contemplated not merely overcoming current opposition but exterminating elements which could not be reconciled with its philosophy of the state. It not only sought to establish the Nazi "new order" but to secure its sway, as Hitler predicted, "for a thousand years." Nazis were never in doubt or disagreement as to what these dissident elements were. They were concisely described by one of them, Col. General von Fritsch, on December 11, 1938, in these words:

> "Shortly after the first war I came to the conclusion that we should have to be victorious in three battles if Germany were to become powerful again: 1. The battle against the working class—Hitler has won this. 2. Against the Catholic Church, perhaps better expressed against Ultramontanism. 3. Against the Jews." *(1947–PS)*.

The warfare against these elements was continuous. The battle in Germany was but a practice skirmish for the worldwide drive against them. We have in point of geography and of time two groups of crimes against humanity—one within Germany before and during the war, the other in occupied territory during the war. But the two are not separated in Nazi planning. They are a continuous unfolding of the Nazi plan to exterminate peoples and institutions which might serve as a focus or instrument for overturning their "new world order" at any time. We consider these Crimes against Humanity in this address as manifestations of the one Nazi plan and discuss them according to General von Fritsch's classification.

I. The Battle Against the Working Class

When Hitler came to power, there were in Germany three groups of trade unions. The General German Trade Union Confederation (ADGB) with twenty-eight affiliated unions, and the General Independent Employees Confederation (AFA) with thirteen federated unions together numbered more than 4,500,000 members. The Christian Trade Union had over 1,250,000 members.

The working people of Germany, like the working people of other nations, had little to gain personally by war. While labor is usually brought around to the support of the nation at war, labor by and large is a pacific, though by no means a pacifist force in the world. The working people of Germany had not forgotten in 1933 how heavy the yoke of the war lord can be. It was the workingmen who had joined the sailors and soldiers in the revolt of 1918 to end the First World War. The Nazis had neither forgiven nor forgotten. The Nazi program required that this part of the German population not only be stripped of power to resist diversion of its scanty comforts to armament, but also be wheedled or whipped into new and unheard of sacrifices as part of the Nazi war preparation. Labor must be cowed, and that meant its organizations and means of cohesion and defense must be destroyed.

The purpose to regiment labor for the Nazi Party was avowed by Ley in a speech to workers on May 2, 1933, as follows:

> "You may say what else do you want, you have the absolute power. True we have the power, but we do not have the whole people, we do not have you workers 100%, and it is

> you whom we want; we will not let you be until you stand with us in complete, genuine acknowledgment." *(614-PS).*

The first Nazi attack was upon the two larger unions. On April 21, 1933 an order not even in the name of the Government, but of the Nazi Party was issued by the conspirator Robert Ley as "Chief of Staff of the political organization of the NSDAP," applicable to the Trade Union Confederation and the Independent Employees Confederation. It directed seizure of their properties and arrest of their principal leaders. The party order directed party organs which we here denounce as criminal associations, the SA and SS "to be employed for the occupation of the trade union properties, and for the taking into custody of personalities who come into question." And it directed the taking into "protective custody" of all chairmen and district secretaries of such unions and branch directors of the labor bank (*392-PS*).

These orders were carried out on May 2, 1933. All funds of the labor unions, including pension and benefit funds, were seized. Union leaders were sent to concentration camps. A few days later, on May 10, 1933, Hitler appointed Ley leader of the German Labor Front *(DEUTSCHE ARBEITSFRONT),* which succeeded to the confiscated union funds. The German Labor Front, a Nazi controlled labor bureau, was set up under Ley to teach the Nazi philosophy to German workers and to weed out from industrial employment all who were backward in their lessons (*1940-PS*). "Factory Troops" were organized as an "ideological shock squad within the factory" (*1817-PS*). The Party order provided that "outside of the German Labor Front, no other organization (whether of workers or of employees) is to exist." On June 24, 1933 the remaining Christian Trade Unions were seized pursuant to an order of the Nazi Party signed by Ley.

On May 19, 1933, this time by government decree, it was provided that "trustees" of labor, appointed by Hitler, should regulate the conditions of all labor contracts, replacing the former process of collective bargaining *(405-PS).* On January 20, 1934 a decree "regulating national labor" introduced the fuehrer-principle into industrial relations. It provided that the owners of enterprises should be the "fuehrers" and the workers should be the followers. The enterpriser-fuehrers should "make decisions for employees and laborers in all matters concerning the enterprise" *(1861-PS*). It was by such bait that the great German industrialists were induced to support the Nazi cause, to their own ultimate ruin.

Not only did the Nazis dominate and regiment German labor, but they forced the youth into the ranks of the laboring people they had thus led into chains. Under a compulsory labor service decree on 26 June, 1935, young men and women between the ages of 18 and 25 were conscripted for labor (see *1654–PS)*. Thus was the purpose to subjugate German labor accomplished. In the words of Ley, this accomplishment consisted "in eliminating the association character of the trade union and employees' associations, and in its place we have substituted the conception 'soldiers of work'." The productive manpower of the German nation was in Nazi control. By these steps the defendants won the battle to liquidate labor unions as potential opposition and were enabled to impose upon the working class the burdens of preparing for aggressive warfare.

Robert Ley, the field marshal of the battle against labor, answered our indictment with suicide. Apparently he knew no better answer.

2. The Battle Against the Churches

The Nazi Party always was predominantly anti-Christian in its ideology. But we who believe in freedom of conscience and of religion base no charge of criminality on anybody's ideology. It is not because the Nazi themselves were irreligious or pagan, but because they persecuted others of the Christian faith that they become guilty of crime, and it is because the persecution was a step in the preparation for aggressive warfare that the offense becomes one of international consequence. To remove every moderating influence among the German people and to put its population on a total war footing, the conspirators devised and carried out a systematic and relentless repression of all Christian sects and churches.

We will ask you to convict the Nazis on their own evidence. Martin Bormann in June, 1941, issued a secret decree on the relation of Christianity and National Socialism. The decree provided:

> "For the first time in German history the Fuehrer consciously and completely has the leadership of the people in his own hand. With the party, its components and attached units the Fuehrer has created for himself and thereby the German Reich leadership an instrument which makes him independent of the church. All influences which might im-

> pair or damage the leadership of the people exercised by the Fuehrer with help of the NSDAP, must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. Of course, the churches must and will, seen from their viewpoint, defend themselves against this loss of power. But never again must an influence on leadership of the people be yielded to the churches. This (influence) must be broken completely and finally.
>
> "Only the Reich government and by its direction the party, its components and attached units have a right to leadership of the people. Just as the deleterious influences of astrologers, seers and other fakers are eliminated and suppressed by the state, so must the possibility of church influence also be totally removed. Not until this has happened, does the state leadership have influence on the individual citizens. Not until then are people and Reich secure in their existence for all the future" *(D–75)*.

And how the party had been securing the Reich from Christian influence, will be proved by such items as this teletype from the Gestapo, Berlin, to the Gestapo, Nurnberg, on July 24, 1938. Let us hear their own account of events in Rottenburg.

> "The Party on 23 July 1939 from 2100 on carried out the third demonstration against Bishop Sproll. Participants about 2500-3000 were brought in from outside by bus, etc. The Rottenburg populace again did not participate in the demonstration. This town took rather a hostile attitude to the demonstrations. The action got completely out of hand of the Party Member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched the rooms, threw files out of the windows and rummaged through the beds in the rooms of the palace. One bed was ignited. Before the fire got to the other objects of equipment in the rooms and the palace, the flaming bed could be thrown from the window and the fire extinguished. The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Groeber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth. Finally the intruders realized that Bishop Groeber is not the one they are seeking. They could then be persuaded to leave the building. After the

> evacuation of the palace by the demonstrators I had an interview with Archbishop Groeber, who left Rottenburg in the night. Groeber wants to turn to the Fuehrer and Reich Minister of the Interior, Dr. Frick, anew. On the course of the action, the damage done as well as the homage of the Rottenburg populace beginning today for the Bishop I shall immediately hand in a full report, after I am in the act of suppressing counter mass meetings. * * *
>
> "In case the Fuehrer has instructions to give in this matter, I request that these be transmitted most quickly * * *" (*848–PS*).

Later, defendant Rosenberg wrote to Bormann reviewing the proposal of Kerrl as Church Minister to place the Protestant Church under State tutelage and proclaim Hitler its Supreme head. Rosenberg was opposed, hinting that Naziism was to suppress the Christian Church completely after the war (see *098–PS)*.

The persecution of all pacifist and dissenting sects, such as Jehovah's Witnesses and the Pentecostal Association, was peculiarly relentless and cruel. The policy toward the Evangelical Churches, however, was to use their influence for the Nazis' own purposes. In September, 1933, Mueller was appointed the Fuehrer's representative with power to deal with the "affairs of the Evangelical Church" in its relations to the State. Eventually, steps were taken to create a Reich Bishop vested with power to control this Church. A long conflict followed, Paster Niemoeller was sent to concentration camp, and extended interference with the internal discipline and administration of the Churches occurred.

A most intense drive was directed against the Roman Catholic Church. After a strategic concordat with the Holy See, signed in July, 1933 in Rome, which never was observed by the Nazi Party, a long and persistent persecution of the Catholic Church, its priesthood and its members, was carried out. Church Schools and educational institutions were suppressed or subjected to requirements of Nazi teaching inconsistent with the Christian faith. The property of the Church was confiscated and inspired vandalism directed against Church property was left unpunished. Religious instruction was impeded and the exercise of religion made difficult. Priests and bishops were laid upon, riots were stimulated to harass them, and many were sent to concentration camps.

After occupation of foreign soil, these persecutions went on with greater vigor than ever. We will present to you from the files of the Vatican the earnest protests made by the Vatican to Ribbentrop summarizing the persecutions to which the priesthood and the Church had been subjected in this Twentieth Century under the Nazi regime. Ribbentrop never answered them. He could not deny. He dared not justify.

3. Crimes Against the Jews

The most savage and numerous crimes planned and committed by the Nazis were those against the Jews. These in Germany, in 1933, numbered about 500,000. In the aggregate, they had made for themselves positions which excited envy, and had accumulated properties which excited the avarice of the Nazis. They were few enough to be helpless and numerous enough to be held up as a menace.

Let there be no misunderstanding about the charge of persecuting Jews. What we charge against these defendants is not those arrogances and pretensions which frequently accompany the intermingling of different peoples and which are likely despite the honest efforts of government, to produce regrettable crimes and convulsions. It is my purpose to show a plan and design, to which all Nazis were fanatically committed, to annihilate all Jewish people. These crimes were organized and promoted by the Party Leadership, executed and protected by the Nazi officials, as we shall convince you by written orders of the Secret State Police itself.

The persecution of the Jews was a continuous and deliberate policy. It was a policy directed against other nations as well as against the Jews themselves. Anti-Semitism was promoted to divide and embitter the democratic peoples and to soften their resistance to the Nazi aggression. As Robert Ley declared in *Der Angriff* on 14 May 1944, "The second German secret weapon is Anti-Semitism because if it is constantly pursued by Germany, it will become a universal problem which all nations will be forced to consider."

Anti-Semitism also has been aptly credited with being a "spearhead of terror." The ghetto was the laboratory for testing repressive measures. Jewish property was the first to be expropriated, but the custom grew and included similar measures against Anti-Nazi Germans, Poles, Czechs, Frenchmen, and Belgians. Extermination of the Jews enabled the Nazis to bring a practiced hand to similar measures against Poles, Serbs, and Greeks. The plight of the Jew was a constant threat to opposition or discontent among other elements of Europe's population—

pacifists, conservatives, communists, Catholics, Protestants, socialist. It was, in fact, a threat to every dissenting opinion and to every non-Nazi's life.

The persecution policy against the Jews commenced with nonviolent measures, such as disfranchisement and discriminations against their religion, and the placing of impediments in the way of success in economic life. It moved rapidly to organized mass violence against them, physical isolation in ghettos, deportation, forced labor, mass starvation, and extermination. The Government, the Party formation indicated before you as criminal organizations, the Secret State Police, the Army, private and semipublic associations, and "spontaneous" mobs that were carefully inspired from official sources, were all agencies concerned in this persecution. Nor was it directed against individual Jews for personal bad citizenship or unpopularity. The avowed purpose was the destruction of the Jewish people as a whole, as an end in itself, as a measure of preparation for war, and as a discipline of conquered peoples.

The conspiracy or common plan to exterminate the Jew was so methodically and thoroughly pursued that despite the German defeat and Nazi prostration, this Nazi aim largely has succeeded. Only remnants of the European Jewish population remain in Germany, in the countries which Germany occupied, and in those which were her satellites or collaborators. Of the 9,600,000 Jews who lived in Nazi dominated Europe, 60 percent are authoritatively estimated to have perished. 5,700,000 Jews are missing from the countries in which they formerly lived, and over 4,500,000 cannot be accounted for by the normal death rate nor by immigration; nor are they included among displaced persons. History does not record a crime ever perpetrated against so many victims or one ever carried out with such calculated cruelty.

You will have difficulty, as I have, to look into the faces of these defendants and believe that in this Twentieth Century human beings could inflict such sufferings as will be proved here on their own countrymen as well as upon their so-called "inferior" enemies. Particular crimes, and the responsibility of defendants for them, are to be dealt with by the Soviet Government's Counsel, when committed in the East, and by Counsel for the Republic of France when committed in the West. I advert to them only to show their magnitude as evidence of a purpose and a knowledge common to all defendants, of an official plan rather than of a capricious policy of some individual commander, and to show such a continuity of Jewish persecution from the rise of the Nazi conspiracy to its collapse as forbids us to believe that any person could be identified with any part of Nazi action without approving this most conspicuous item of its program.

The Indictment itself recites many evidences of the anti-Semitic persecutions. The defendant Streicher led the Nazis in anti-Semitic bitterness and extremism. In an article appearing in *Der Stuermer* on 19 March, 1942 he complained that Christian teachings have stood in the way of "radical solution of the Jewish question in Europe," and quoted enthusiastically as the Twentieth Century solution the Fuehrer's proclamation of February 24, 1942 that "the Jew will be exterminated." And on November 4, 1943, Streicher declared in *Der Stuermer* that the Jews "have disappeared from Europe and that the Jewish 'Reservoir of the East' from which the Jewish plague has for centuries beset the people of Europe, has ceased to exist." Streicher now has the effrontery to tell us he is "only a Zionist"—he says he wants only to return the Jews to Palestine. But on May 7, 1942 his newspaper, *Der Stuermer,* had this to say:

> "It is also not only an European problem! *The Jewish question is a world question!* Not only is Germany not safe in the face of the Jews as long as one Jew lives in Europe, but also the Jewish question is hardly solved in Europe so long as Jews live in the rest of the world."

And the defendant Hans Frank, a lawyer by profession I say with shame, summarized in his Diary in 1944 the Nazi policy thus: "The Jews are a race which has to be eliminated; whenever we catch one, it is his end." (Frank Diary, 4 March 1944, p. 26). And earlier, speaking of his function as Governor General of Poland, he confided to his diary this sentiment: "Of course I cannot eliminate all lice and Jews in only a year's time." *(2233-C-PS)* I could multiply endlessly this kind of Nazi ranting but I will leave it to the evidence and turn to the fruit of this perverted thinking.

The most serious of the actions against Jews were outside of any law, but the law itself was employed to some extent. There were the infamous Nurnberg decrees of September 15, 1935 *(Reichsgesetzblatt* 1935, Part I, p. 1146). The Jews were segregated into ghettos and put into forced labor; they were expelled from their professions; their property was expropriated; all cultural life, the press, the theatre, and schools were prohibited them; and the SD was made responsible for them (*212-PS, 069-PS*). This was an ominous guardianship, as the following order for "The Handling of the Jewish Question" shows:

> "The competency of the Chief of the Security Police and Security Service, who is charged with the mission of solving the European Jewish question, extends even to the occupied eastern provinces. * * *
>
> "An eventual act by the civilian population against the Jews is not to be prevented as long as this is compatible with the maintenance of order and security in the rear of the fighting troops * * *
>
> "The first main goal of the German measures must be strict segregation of Jewry from the rest of the population. In the execution of this, first of all is the seizing of the Jewish populace by the introduction of a registration order and similar appropriate measures * * *
>
> "Then immediately, the wearing of the recognition sign consisting of a yellow Jewish star is to be brought about and all rights of freedom for Jews are to be withdrawn. They are to be placed in Ghettos and at the same time are to be separated according to sexes. The presence of many more or less closed Jewish settlements in White Ruthenia and in the Ukraine makes this mission easier. Moreover, places are to be chosen which make possible the full use of the Jewish manpower in case labor needs are present * * *
>
> "The entire Jewish property is to be seized and confiscated with exception of that which is necessary for a bare existence. As far as the economical situation permits, the power of disposal of their property is to be taken from the Jews as soon as possible through orders and other measures given by the commissariate, so that the moving of property will quickly cease.
>
> "Any cultural activity will be completely forbidden, to the Jew. This includes the outlawing of the Jewish press, the Jewish theatres and schools.
>
> "The slaughtering of animals according to Jewish rites is also to be prohibited * * *" *(212-PS)*.

The anti-Jewish campaign became furious in Germany following the assassination in Paris of the German Legation Councillor von Rath. Heydrich, Gestapo head, sent a teletype to all Gestapo and SD offices with directions for handling "spontaneous" uprising anticipated for the nights of November 9 and 10, 1938, so as to aid in destruction of Jewish-owned property and protect only that of Germans (*374-PS; 765-PS*). No more cynical document ever came into evidence. Then there is a report by an SS Brigade Leader, Dr. Stahlecher, to Himmler, which recites that:

"Similarly, native anti-Semitic forces were induced to start pogroms against Jews during the first hours after capture, though this inducement proved to be very difficult. Following out orders, the Security Police was determined to solve the Jewish question with all possible means and most decisively. But it was desirable that the Security Police should not put in an immediate appearance, at least in the beginning, since the extraordinarily harsh measures were apt to stir even German circles. It had to be shown to the world that the native population itself took the first action by way of natural reaction against the suppression by Jews during several decades and against the terror exercised by the Communists during the preceding period."

* * * * *

"In view of the extension of the area of operations and the great number of duties which had to be performed by the Security Police, it was intended from the very beginning to obtain the co-operation of the reliable population for the fight against vermin—that is mainly the Jews and Communists. Beyond our directing of the first spontaneous actions of self-cleansing, which will be reported elsewhere, care had to be taken that reliable people should be put to the cleansing job and that they were appointed auxiliary members of the Security Police."

* * * * *

"Kowno * * * To our surprise it was not easy at first to set in motion an extensive pogrom against Jews. KLIMATIS, the leader of the partisan unit, mentioned above, who was used for this purpose primarily, succeeded in starting a pogrom on the basis of advice given to him by a small advanced detachment acting in Kowno, and in such a way that no German order or German instigation was noticed from the outside. During the first pogrom in the night from 25. to 26.6 the Lithuanian partisans did away with more than 1,500 Jews, set fire to several synagogues or destroyed them by other means and burned down a Jewish dwelling district consisting of about 60 houses. During the following nights about 2,300 Jews were made harmless in a similar way. In other parts of Lithuania similar actions followed the example of Kowno, though smaller and extending to the Communists who had been left behind.

"These self-cleansing actions went smoothly because the Army authorities who had been informed showed understand-

> ing for this procedure. From the beginning it was obvious that only the first days after the occupation would offer the opportunity for carrying out pogroms. After the disarmament of the partisans the self-cleansing actions ceased necessarily.
>
> "It proved much more difficult to set in motion similar cleansing actions in Latvia."
>
> * * * * *
>
> "From the beginning it was to be expected that the Jewish problem in the East could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews * * *
>
> "The sum total of the Jews liquidated in Lithuania amounts to 71,105." (*L–180*).

Of course, it is self-evident that these "uprisings" were managed by the government and the Nazi Party. If we were in doubt, we could resort to Streicher's memorandum of April 14, 1939, which says, "The anti-Jewish action of November, 1938 did not arise spontaneously from the people. * * * Part of the party formation have been charged with the execution of the anti-Jewish action." (*406–PS*). Jews as a whole were fined a billion Reichsmarks. They were excluded from all businesses, and claims against insurance companies for their burned properties were confiscated, all by decree of the defendant Goering *(Reichsgesetzblatt,* 1938, Part I, Pp. 1579–1582).

Synagogues were the objects of a special vengeance. On November 10, 1938, the following order was given: "By order of the Group Commander, all Jewish Synagogues in the area of Brigade 50 have to be blown up or set afire. * * * The operation will be carried out in civilian clothing. * * * Execution of the order will be reported * * *." (*1721–PS*). Some 40 teletype messages from various police headquarters will tell the fury with which all Jews were pursued in Germany on those awful November nights. The SS troops were turned loose and the Gestapo supervised. Jewish owned property was authorized to be destroyed. The Gestapo ordered twenty to thirty thousand "well-to-do Jews" to be arrested. Concentration camps were to receive them. Healthy Jews, fit for labor, were to be taken (*3051–PS*).

As the German frontiers were expanded by war, so the campaign against the Jews expanded. The Nazi plan never was limited to extermination in Germany; always it contemplated extinguishing the Jew in Europe and often in the world. In the west, the Jews were killed and their property taken over. But the campaign achieved its zenith of savagery in the East. The Eastern Jew has suffered as no people ever suffered. Their sufferings were carefully reported to the Nazi authorities to show faithful adherence to the Nazi design. I shall refer only to enough of the evidence of these to show the extent of the Nazi design for killing Jews.

If I should recite these horrors in words of my own, you would think me intemperate and unreliable. Fortunately, we need not take the word of any witness but the Germans themselves. I invite you now to look at a few of the vast number of captured German orders and reports that will be offered in evidence, to see what a Nazi invasion meant. We will present such evidence as the report of *Einsatzgruppe* (Action Group) A of October 15, 1941, which boasts that in overruning the Baltic States, "Native Anti-Semitic forces were induced to start pogroms against the Jews during the first hours after occupation * * *." The report continues:

> "From the beginning it was to be expected that the Jewish problem in the East could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the Security Police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units—in Lithuania partisan detachments, in Latvia units of the Latvian auxiliary police—therefore performed extensive executions both in the towns and in rural areas. The actions of the execution detachments were performed smoothly.
>
> "The sum total of the Jews liquidated in Lithuania amounts to 71,105. During the pogroms in Kowno 3,800 Jews were eliminated, in the smaller towns about 1,200 Jews.
>
> "In Latvia, up to now a total of 30,000 Jews were executed. 500 were eliminated by pogroms in Riga." (*L–180*).

This is a captured report from the Commissioner of Sluzk on October 30, 1941, which describes the scene in more detail. It says:

> "The first lieutenant explained that the police battalion had received the assignment to effect the liquidation of all Jews here in the town of Sluzk, within two days. Then I requested him to postpone the action one day. However, he rejected this with the remark that he had to carry out this action everywhere and in all towns and that only two days

> were allotted for Sluzk. Within these two days, the town of Sluzk had to be cleared of Jews by all means. * * * All Jews without exception were taken out of the factories and shops and deported in spite of our agreement. It is true that part of the Jews was moved by way of the ghetto where many of them were processed and still segregated by me, but a large part was loaded directly on trucks and liquidated without further delay outside of the town. * * * For the rest, as regards the execution of the action. I must point out to my deepest regret that the latter bordered already on sadism. The town itself offered a picture of horror during the action. With indescribable brutality on the part of both the German police officers and particularly the Lithuanian partisans, the Jewish people, but also among them White Ruthenians, were taken out of their dwellings and herded together. Everywhere in the town shots were to be heard and in different streets the corpses of shot Jews accumulated. The White Ruthenians were in greatest distress to free themselves from the encirclement. Regardless of the fact that the Jewish people, among whom were also tradesmen, were mistreated in a terribly barbarous way in the face of the White Ruthenian people, the White Ruthenians themselves were also worked over with rubber clubs and rifle butts. There was no question of an action against the Jews any more. It rather looked like a revolution. * * *"
> (*1104–PS*).

There are reports which merely tabulate the numbers slaughtered. An example is an account of the work of *Einsatzgruppen* of Sipo and SD in the East, which relates that—

> In Estonia, all Jews were arrested immediately upon the arrival of the Wehrmacht. Jewish men and women above the age of 16 and capable of work were drafted for forced labor. Jews were subjected to all sorts of restrictions and all Jewish property was confiscated.
>
> All Jewish males above the age of 16 were executed, with the exception of doctors and elders. Only 500 of an original 4,500 Jews remained.
>
> 37,180 persons have been liquidated by the Sipo and SD in White Ruthenia during October.
>
> In one town, 337 Jewish women were executed for demonstrating a "provocative attitude." In another, 380 Jews were shot for spreading vicious propaganda.

And so the report continues, listing town after town, where hundreds upon hundreds of Jews were murdered.

> In Witebsk 3,000 Jews were liquidated because of the danger of epidemics.
>
> In Kiew, 33,771 Jews were executed on September 29 and 30 in retaliation for some fires which were set off there.
>
> In Shitomir, 3,145 Jews "had to be shot" because, judging from experience they had to be considered as the carriers of Bolshevik propaganda.
>
> In Cherson, 410 Jews were executed in reprisal against acts of sabotage.
>
> In the territory east of the Djnepr, the Jewish problem was "solved" by the liquidation of 4,891 Jews and by putting the remainder into labor battalions of up to 1,000 persons (*R–102*).

Other accounts tell not of the slaughter so much as of the depths of degradation to which the tormentors stooped. For example, we will show the reports made to defendant Rosenberg about the army and the SS in the area under Rosenberg's jurisdiction, which recited the following:

> "Details: In presence of SS man, a Jewish dentist has to break all gold teeth and fillings out of mouth of German and Russian Jews *before* they are executed."
>
> Men, women and children are locked into barns and burned alive.
>
> Peasants, women and children are shot on pretext that they are suspected of belonging to bands (*R-135*).

We of the Western World heard of Gas Wagons in which Jews and political opponents were asphyxiated. We could not believe it. But here we have the report of May 16, 1942 from the German SS officer, Becker, to his supervisor in Berlin which tells this story:

> Gas vans in C. group can be driven to execution spot, which is generally stationed 10 to 15 kms. from main road only in dry weather. Since those to be executed become frantic if conducted to this place, such vans become immobilized in wet weather.
>
> Gas vans in D group camouflaged as cabin trailers, but vehicles well known to authorities and civilian population which calls them "Death Vans".

> Writer of letter (Becker) ordered all men to keep as far away as possible during gassing. Unloading van has "atrocious spiritual and physical effect" on men and they should be ordered not to participate in such work (*501–PS*).

I shall not dwell on this subject longer than to quote one more sickening document which evidences the planned and systematic character of the Jewish persecutions. I hold a report written with Teutonic devotion to detail, illustrated with photographs to authenticate its almost incredible text, and beautifully bound in leather with the loving care bestowed on a proud work. It is the original report of the SS Brigadier General Stroop in charge of the destruction of the Warsaw Ghetto, and its title page carries the inscription, "The Jewish Ghetto in Warsaw no longer exists." It is characteristic that one of the captions explains that the photograph concerned shows the driving out of Jewish "bandits"; those whom the photograph shows being driven out are almost entirely women and little children. It contains a day-by-day account of the killings mainly carried out by the SS organization, too long to relate, but let me quote General Stroop's summary:

> "The resistance put up by the Jews and bandits could only be suppressed by energetic actions of our troops day and night. *The Reichsfuehrer SS ordered, therefore on 23 April 1943 the cleaning out of the ghetto with utter ruthlessness and merciless tenacity.* I, therefore, decided to destroy and burn down the entire ghetto without regard to the armament factories. These factories were systematically dismantled and then burned. Jews usually left their hideouts, but frequently remained in the burning buildings and jumped out of the windows only when the heat became unbearable. They then tried to crawl with broken bones across the street into buildings which were not afire. Sometimes they changed their hideouts during the night into the ruins of burned buildings. Life in the sewers was not pleasant after the first week. Many times we could hear loud voices in the sewers. SS men or policemen climbed bravely through the manholes to capture these Jews. Sometimes they stumbled over Jewish corpses; sometimes they were shot at. Tear gas bombs were thrown into the manholes and the Jews driven out of the sewers and captured. Countless numbers of Jews were liquidated in sewers and bunkers through blasting. The longer the resistance continued the tougher became the

> members of the Waffen SS police and Wehrmacht who always discharged their duties in an exemplary manner. Frequently Jews who tried to replenish their food supplies during the night or to communicate with neighboring groups were exterminated." (*1061-PS*).

This action eliminated, says the SS commander, "a proved total of 56,065. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted."

We charge that all atrocities against Jews were the manifestation and culmination of the Nazi plan to which every defendant here was a party. I know very well that some of these men did take steps to spare some particular Jew for some personal reason from the horrors that awaited the unrescued Jew. Some protested that particular atrocities were excessive, and discredited the general policy. While a few defendants may show efforts to make specific exceptions to the policy of Jewish extermination, I have found no instance in which any defendant opposed the policy itself or sought to revoke or even modify it.

Determination to destroy the Jews was a binding force which at all times cemented the elements of this conspiracy. On many internal policies there were differences among the defendants. But there is not one of them who has not echoed the rallying cry of Naziism—*DEUTSCHLAND ERWACHE JUDA VERRECKE!* (GERMANY AWAKE, JEWRY PERISH!)

TERRORISM AND PREPARATION FOR WAR

How a Government treats its own inhabitants generally is thought to be no concern of other Governments or of international society. Certainly few oppressions or cruelties would warrant the intervention of foreign powers. But the German mistreatment of Germans is now known to pass in magnitude and savagery any limits of what is tolerable by modern civilization. Other nations, by silence, would take a consenting part in such crimes. These Nazi persecutions, moreover, take character as international crimes because of the purpose for which they were undertaken.

The purpose, as we have seen, of getting rid of the influence of free labor, the churches, and the Jews was to clear their obstruction to the precipitation of aggressive war. If aggressive warfare in violation of treaty obligation is a matter of international cognizance, the preparations for it must also be of concern to the international community. Terrorism was the chief instrument for securing the cohesion of the German people in war purposes. Moreover, these cruelties in Germany served as atrocity practice to discipline the membership of the criminal organization to follow the pattern later in occupied countries.

Through the police formations that before you are accused as criminal organizations, the Nazi Party leaders, aided at some point in their basic and notorious purpose by each of the individual defendants instituted a reign of terror. These espionage and police organizations were utilized to hunt down every form of opposition and to penalize every nonconformity. These organizations early founded and administered concentration camps—Buchenwald in 1933, Dachau in 1934. But these notorious names were not alone. Concentration camps came to dot the German map and to number scores. At first they met with resistance from some Germans. We have a captured letter from Minister of Justice Guertner to Hitler which is revealing. A Gestapo official had been prosecuted for crimes committed in the camp at Hohnstein, and the Nazi Governor of Saxony had promptly asked that the proceeding be quashed. The Minister of Justice in June of 1935 protested because, as he said:

> "In this camp unusually grave mistreatments of prisoners have occurred at least since Summer 1933. The prisoners not only were beaten with whips without cause, similarly as in the Concentration Camp Bredow near Stettin till they lost consciousness, but they were also tortured in other manners, e.g. with the help of a dripping apparatus constructed exclusively for this purpose, under which prisoners had to stand until they were suffering from serious purulent wounds of the scalp * * *" (*787–PS*).

I shall not take time to detail the ghastly proceedings in these concentration camps. Beatings, starvings, tortures, and killings were routine—so routine that the tormenters became blase and careless. We have a report of discovery that in Ploetzens one night, 186 persons were executed while there were orders for only 180. Another report describes how the family of one victim received two urns of ashes by mistake. Inmates were compelled to execute each other. In 1942, they were paid five Reichsmarks per execution, but on June 27, 1942, SS General Gluecks ordered commandants of all concentration camps to reduce this honorarium to three cigarettes. In 1943, the Reichsleader of the SS and Chief of German Police ordered the corporal punishments on Russian women to be applied by Polish women and vice versa, but the price was not frozen. "As reward, a few cigarettes" was authorized. Under the Nazis, human life had been progressively devalued until it finally became worth less than a handful of tobacco—ersatz tobacco. There were, however, some traces of the milk of human kindness. On August 11, 1942, an order went from Himmler to the commanders of fourteen concentration camps that "only German prisoners are allowed to beat other German prisoners." (*2189-PS*).

Mystery and suspense was added to cruelty in order to spread torture from the inmate to his family and friends. Men and women disappeared from their homes or business or from the streets, and no word came of them. The omission of notice was not due to overworked staff; it was due to policy. The Chief of the SD and Sipo reported that in accordance with orders from the Fuehrer anxiety should be created in the minds of the family of the arrested person (*668-PS*). Deportations and secret arrests were labeled, with a Nazi wit which seems a little ghoulish, *Nacht und Nebel* (Night and Fog) (*L–90, 833–PS*). One of the many orders for these actions gave this explanation:

> "The decree carries a basic innovation. The Fuehrer and Commander in Chief of the Armed Forces commands that crimes of the specified sort committed by civilians of the occupied territories are to be punished by the pertinent courts-martial in the occupied territories *only* when
>
> *a.* the sentence calls for the death penalty, and
>
> *b.* the sentence is pronounced within 8 days after the arrest.
>
> "Only when both conditions are met does the Fuehrer and Commander in Chief of the Armed Forces hope for the desired deterrent effect from the conduct of punitive proceedings in the occupied territories.
>
> "In other cases in the future the accused are to be secretly brought to Germany and the further conduct of the trial carried on here. The deterrent effect of those measures lies
>
> *a.* in allowing the disappearance of the accused without a trace,
>
> *b.* therein, that no information whatsoever may be given about their whereabouts and their fate." (*833–PS*).

To clumsy cruelty, scientific skill was added. "Undesirables" were exterminated by injection of drugs into the bloodstream, by asphyxiation in gas chambers. They were shot with poison bullets, to study the effects (*L–103*).

Then, to cruel experiments the Nazi added obscene ones. These were not the work of underling degenerates but of master minds high in the Nazi conspiracy. In May 20, 1942, General Field Marshal Milch authorized SS General Wolff to go ahead at Dachau Camp with so-called "cold experiments"; and four female gypsies were supplied for the purpose. Himmler gave permission to carry on these "experiments" also in other camps (*1617–PS*). At Dachau, the reports of the "doctor" in charge show that victims were immersed in cold water until their body temperature was reduced to 28 degrees centigrade (82.4 degrees Farenheit), when they all died immediately (*1618–PS*). This was in August 1942. But the "doctor's" technique improved. By February, 1943, he was able to report that thirty persons were chilled to 27 to 29 degrees, their hands and feet frozen white, and their bodies "rewarmed" by a hot bath. But the Nazi scientific triumph was "rewarming with animal heat." The victim, all but frozen to death, was surrounded with bodies of living women until he revived and responded to his environment by having sexual intercourse (*1616–PS*). Here Nazi degeneracy reached its nadir.

I dislike to encumber the record with such morbid tales, but we are in the grim business of trying men as criminals, and these are the things their own agents say happened. We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived, and the measures General Eisenhower had to take to clean them up. Our proof will be disgusting and you will say I have robbed you of your sleep. But these are the things which have turned the stomach of the world and set every civilized hand against Nazi Germany.

Germany became one vast torture chamber. Cries of its victims were heard round the world and brought shudders to civilized people everywhere. I am one who received during this war most atrocity tales with suspicion and skepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied. These defendants will only deny personal responsibility or knowledge.

Under the clutch of the most intricate web of espionage and intrigue that any modern state has endured, and persecution and torture of a kind that has not been visited upon the world in many centuries, the elements of the German population which were both decent and courageous were annihilated. Those which were decent but weak were intimidated. Open resistance, which had never been more than feeble and irresolute, disappeared. But resistance, I am happy to say, always remained, although it was manifest in only such events as the abortive effort to assassinate

Hitler on July 20, 1944. With resistance driven underground, the Nazi had the German State in his own hands.

But the Nazis not only silenced discordant voices. They created positive controls as effective as their negative ones. Propaganda organs, on a scale never before known, stimulated the party and party formations with a permanent enthusiasm and abandon such as we democratic people can work up only for a few days before a general election. They inculcated and practiced the *fuehrerprinzip,* which centralized control of the Party and of the Party-controlled state over the lives and thought of the German people, who are accustomed to look upon the German State by whomever controlled with a mysticism that is incomprehensible to my people.

All these controls from their inception were exerted with unparalleled energy and singlemindedness to put Germany on a war footing. We will show from the Nazis' own documents their secret training of military personnel, their secret creation of a military air force. Finally, a conscript army was brought into being. Financiers, economists, industrialists, joined in the plan and promoted elaborate alterations in industry and finance to support an unprecedented concentration of resources and energies upon preparations for war. Germany's rearmament so outstripped the strength of her neighbors that in about a year she was able to crush the whole military force of Continental Europe, exclusive of that of Soviet Russia, and then to push the Russian armies back to the Volga. These preparations were of a magnitude which surpassed all need of defense and every defendant, and every intelligent German, well understood them to be for aggressive purposes.

EXPERIMENTS IN AGGRESSION

Before resorting to open aggressive warfare, the Nazis undertook some rather cautious experiments to test the spirit and resistance of those who lay across their path. They advanced, but only as others yielded, and kept in a position to draw back if they found a temper that made persistence dangerous.

On 7 March 1936, the Nazis reoccupied the Rhineland and then proceeded to fortify it in violation of the Treaty of Versailles and the Pact of Locarno. They encountered no substantial resistance and were emboldened to take the next step, which was the acquisition of Austria. Despite repeated assurances that Germany had no designs on Austria, invasion was perfected. Threat of attack forced Schuschnigg to resign as Chancellor of Austria and put the Nazi defendant Seyss-Inquart in his place. The latter immediately opened the frontier and invited Hitler to invade Austria "to preserve order." On March 12th the invasion began. The next day, Hitler proclaimed himself Chief of the Austrian State, took command of its armed forces, and a law was enacted annexing Austria to Germany.

Threats of aggression had succeeded without arousing resistance. Fears nevertheless had been stirred. They were lulled by an assurance to the Czechoslovak Government that there would be no attack on that country. We will show that the Nazi Government already had detailed plans for the attack. We will lay before you the documents in which these conspirators planned to create an incident to justify their attack. They even gave consideration to assassinating their own Ambassador at Prague in order to create a sufficiently dramatic incident. They did precipitate a diplomatic crisis which endured through the summer. Hitler set September 30th as the day when troops should be ready for action. Under the threat of immediate war, the United Kingdom and France concluded a pact with Germany and Italy at Munich on September 29, 1938 which required Czechoslovakia to acquiesce in the cession of the Sudetenland to Germany. It was consummated by German occupation on October 1, 1938.

The Munich Pact pledged no further aggression against Czechoslovakia, but the Nazi pledge was lightly given and quickly broken. On the 15th of March, 1939, in defiance of the treaty of Munich itself, the Nazis seized and occupied Bohemia and Moravia, which constituted the major part of Czechoslovakia not already ceded to Germany. Once again the West stood aghast, but it dreaded war, it saw no remedy except war, and it hoped against hope that the Nazi fever for expansion had run its course. But the Nazi world was intoxicated by these unresisted successes in open alliance with Mussolini and covert alliance with Franco. Then, having made a deceitful, delaying peace with Russia, the conspirators entered upon the final phase of the plan to renew war.

WAR OF AGGRESSION

I will not prolong this address by detailing the steps leading to the war of aggression which began with the invasion of Poland on September 1, 1939. The further story will be unfolded to you from documents including those of the German High Command itself. The plans had been laid long in advance. As early as 1935 Hitler appointed the defendant Schacht to the position of "General Deputy for the War Economy." (*2261–PS*). We have the diary of General Jodl (*1780–PS*); the "Plan Otto," Hitler's own order for attack on Austria in case trickery failed (*C–102*); the "Plan Green" which was the blueprint for attack on Czechoslovakia (*388–PS*); plans for the War in the West (*376–PS, 375–PS*); Funk's letter to Hitler dated August 25, 1939, detailing the long course of economic preparation (*699–PS*); Keitel's top secret mobilization order for 1939-40 prescribing secret steps to be taken during a "period of tension" during which no " 'state of war' will be publicly declared even if open war measures against the foreign enemy will be taken." This latter order (*1639–A–PS*) is in our possession despite a secret order issued on March 16, 1945, when Allied troops were advancing into the heart of Germany, to burn these plans. We have also Hitler's directive, dated December 18, 1940, for the "Barbarossa Contingency" outlining the strategy of the attack upon Russia (*446–PS*). That plan in the original bears the initials of the defendants Keitel and Jodl. They were planning the attack and planning it long in advance of the declaration of war. We have detailed information concerning "Case White," the plan for attack on Poland (*C–120*). That attack began the war. The plan was issued by Keitel on April 3rd, 1939. The attack did not come until September. Steps in preparation for the attack were taken by subordinate commanders, one of whom issued an order on June 14, providing that:

> "The Commander-in-Chief of the Army has ordered the working out of a *plan of deployment against Poland* which takes in account the demands of the political leadership *for the opening of war by surprise and for quick success* * * *
>
> "I declare it the duty of the Commanding Generals, the divisional commanders and the commandants to limit as much as possible the number of persons who will be informed, and to limit the extent of the information, and ask that all suitable measures be taken to prevent persons not concerned from getting information."
>
> * * * * *
>
> "The operation, in order to forestall an orderly Polish mobilization and concentration, is to be opened by surprise with forces which are for the most part armored and motorized, placed on alert in the neighborhood of the border. The initial superiority over the Polish frontier-guards and surprise that can be expected with certainty are to be main-

> tained by quickly bringing up other parts of the army as well to counteract the marching up of the Polish Army.
>
> "If the development of the Political situation should show that a surprise at the beginning of the war is out of question, because of well advanced defense preparations on the part of the Polish Army, the Commander-in-Chief of the Army will order the opening of the hostilities only after the assembling of sufficient additional forces. The basis of all preparations will be to surprise the enemy." (*2327–PS*).

We have also the order for the invasion of England, signed by Hitler and initialed by Keitel and Jodl. It is interesting that it commences with a recognition that although the British military position is "hopeless," they show not the slightest sign of giving in (*442–PS*).

Not the least incriminating are the minutes of Hitler's meeting with his high advisers. As early as November 5, 1937, Hitler told defendants Goering, Raeder, and Neurath, among others, that German rearmament was practically accomplished and that he had decided to secure by force, starting with a lightning attack on Czechoslovakia and Austria, greater living space for Germans in Europe no later than 1943-45 and perhaps as early as 1938 (*386–PS*). On the 23rd of May, 1939, the Fuehrer advised his staff that—

> "It is a question of expanding our living space in the East and of securing our food supplies * * * over and above the natural fertility, thorough-going German exploitation will enormously increase the surplus."
>
> "There is therefore no question of sparing Poland, and we are left with the decision: *To attack Poland at the first suitable opportunity.* We cannot expect a repetition of the Czech affair. There will be war." (*L–79*).

On August 22nd, 1939 Hitler again addressed members of the High Command, telling them when the start of military operations would be ordered. He disclosed that for propaganda purposes, he would provocate a good reason. "It will make no difference," he announced, "whether this reason will sound convincing or not. After all, the victor will not be asked whether he talked the truth or not. We have to proceed brutally. The stronger is always right." (*1014–PS*). On 23 November 1939 after the Germans had invaded Poland, Hitler made this explanation:

> "For the first time in history we have to fight on only one front, the other front is at present free. But no one can know how long that will remain so. I have doubted for a long time whether I should strike in the east and then in the west. Basically I did not organize the armed forces in order not to strike. The decision to strike was always in me. Earlier or later I wanted to solve the problem. Under pressure it was decided that the east was to be attacked first * * *" (*789-PS*).

We know the bloody sequel. Frontier incidents were staged. Demands were made for cession of territory. When Poland refused, the German forces invaded on September 1st, 1939. Warsaw was destroyed; Poland fell. The Nazis, in accordance with plan, moved swiftly to extend their aggression throughout Europe and to gain the advantage of surprise over their unprepared neighbors. Despite repeated and solemn assurances of peaceful intentions, they invaded Denmark and Norway on 9th April, 1940; Belgium, The Netherlands and Luxembourg on 10th May, 1940; Yugoslavia and Greece on 6th April, 1941.

As part of the Nazi preparation for aggression against Poland and her allies, Germany, on 23rd August, 1939 had entered into a non-aggression pact with Soviet Russia. It was only a delaying treaty intended to be kept no longer than necessary to prepare for its violation. On June 22, 1941, pursuant to long matured plans, the Nazis hurled troops into Soviet territory without any declaration of war. The entire European world was aflame.

CONSPIRACY WITH JAPAN

The Nazi plans of aggression called for use of Asiatic allies and they found among the Japanese men of kindred mind and purpose. They were brothers, under the skin.

Himmler records a conversation he had on January 31, 1939 with General Oshima, Japanese Ambassador at Berlin. He wrote:

> "Furthermore, he (Oshima) had succeeded up to now to send 10 Russians with bombs across the Caucasian frontier. These Russians had the mission to kill Stalin. A number of additional Russians, whom he had also sent across, had been shot at the frontier." (*2195-PS*).

On September 27th, 1940, the Nazis concluded a German-Italian-Japanese ten-year military and economic alliance by which those powers agreed "to stand by and cooperate with one another in regard to their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things * * *."

On March 5, 1941, a top secret directive was issued by defendant Keitel. It stated that "The Fuehrer has ordered instigation of Japan's active participation in the war" and directed that "Japan's military power has to be strengthened by the disclosure of German war experiences and support of a military, economic and technical nature has to be given." The aim was stated to be to crush England quickly, "thereby keeping the United States out of the war." (*C–75*).

On March 29, 1941, Ribbentrop told Matsuoka, the Japanese Foreign Minister, that the German Army was ready to strike against Russia. Matsuoka reassured Ribbentrop about the Far East. Japan, he reported, was acting at the moment as though she had no interest whatever in Singapore, but "intends to strike when the right moment comes." (*1877–PS*). On April 5, 1941, Ribbentrop urged Matsuoka that entry of Japan into the war would "hasten the victory" and would be more in the interest of Japan that of Germany since it would give Japan a unique chance to fulfill her national aims and to play a leading part in Eastern Asia (*1882–PS*).

The proofs in this case will also show that the leaders of Germany were planning war against the United States from its Atlantic as well as instigating it from its Pacific approaches. A captured memorandum from the Fuehrer's headquarters, dated October 29, 1940, asks certain information as to air bases and supply and reports further that

> "The Fuehrer is at present occupied with the question of the occupation of the Atlantic islands with a view to the prosecution of war against America at a later date. Deliberations on this subject are being embarked upon here." (*376–PS*).

On December 7, 1941, a day which the late President Roosevelt declared "will live in infamy," victory for German aggression seemed certain. The Wehrmacht was at the gates of Moscow. Taking advantage of the situation, and while her plenipotentiaries were creating a diplomatic diversion in Washington, Japan without declaration of war treacherously attacked the United States at Pearl Harbor and the Philippines. Attacks followed swiftly on the British Commonwealth and The Netherlands in the Southwest Pacific. These aggressions were met in the only way they could be met, with instant declarations of war and with armed resistance which mounted slowly through many long months of reverse until finally the Axis was crushed to earth and deliverance for its victims was won.

CRIMES IN THE CONDUCT OF WAR

Even the most warlike of peoples have recognized in the name of humanity some limitations on the savagery of warfare. Rules to that end have been embodied in international conventions to which Germany became a party. This code had prescribed certain restraints as to the treatment of belligerents. The enemy was entitled to surrender and to receive quarter and good treatment as a prisoner of war. We will show by German documents that these rights were denied, that prisoners of war were given brutal treatment and often murdered. This was particularly true in the case of captured airmen, often my countrymen.

It was ordered that captured English and American airmen should no longer be granted the status of prisoners of war. They were to be treated as criminals and the Army was ordered to refrain from protecting them against lynching by the populace (*R–118*). The Nazi Government, through its police and propaganda agencies, took pains to incite the civilian population to attack and kill airmen who crash-landed. The order, given by the Reichsfuehrer SS, Himmler, on 10 August 1943, directed that,

> "It is not the task of the police to interfere in clashes between German and English and American fliers who have bailed out."

This order was transmitted on the same day by SS Obersturmbannfuehrer Brand of Himmler's Personal Staff to all Senior Executive SS and Police officers, with these directions:

> "I am sending you the inclosed order with the request that the Chief of the Regular Police and of the Security Police be informed. They are to make this instruction known to their subordinate officers verbally." (*R–110*).

Similarly, we will show Hitler's top secret order, dated 18 October 1942, that commandos, regardless of condition, were "to be slaughtered to the last man" after capture (*498–PS*). We will show the circulation of secret orders, one of which was signed by

Hess, to be passed orally to civilians, that enemy fliers or parachutists were to be arrested or liquidated (*062–PS*). By such means were murders incited and directed.

This Nazi campaign of ruthless treatment of enemy forces assumed its greatest proportions in the fight against Russia. Eventually all prisoners of war were taken out of control of the Army and put in the hands of Himmler and the SS (*058–PS*). In the East, the German fury spent itself. Russian prisoners were ordered to be branded. They were starved. I shall quote passages from a letter written February 28, 1942 by defendant Rosenberg to defendant Keitel:

> "The fate of the Soviet prisoners of war in Germany is on the contrary a tragedy of the greatest extent. Of 3.6 millions of prisoners of war, only several hundred thousand are still able to work fully. A large part of them has starved, or died, because of the hazards of the weather. Thousands also died from spotted fever.
>
> The camp commanders have forbidden the civilian population to put food at the disposal of the prisoners, and they have rather let them starve to death.
>
> In many cases, when prisoners of war could no longer keep up on the march because of hunger and exhaustion, they were shot before the eyes of the horrified civilian population, and the corpses were left.
>
> In numerous camps, no shelter for the prisoners of war was provided at all. They lay under the open sky during rain or snow. Even tools were not made available to dig holes or caves.
>
> Finally, the shooting of prisoners of war must be mentioned. For instance, in various camps, all the 'Asiatics' were shot." (*081–PS*).

Civilized usage and conventions to which Germany was a party had prescribed certain immunities for civilian populations unfortunate enough to dwell in lands overrun by hostile armies. The German occupation forces, controlled or commanded by men on trial before you, committed a long series of outrages against the inhabitants of occupied territory that would be incredible except for captured orders and the captured reports showing the fidelity with which these orders were executed.

We deal here with a phase of common criminality designed by the conspirators as part of the common plan. We can appreciate why these crimes against their European enemies were not of a casual character but were planned and disciplined crimes when we get at the reason for them. Hitler told his officers on August 22, 1939 that "The main objective in Poland is the destruction of the enemy and not the reaching of a certain geographical line." (*1014–PS*). The project of deporting promising youth from occupied territories was approved by Rosenberg on the theory that "a desired weakening of the biological force of the conquered people is being achieved." (*031–PS*). To Germanize or to destroy was the program. Himmler announced, "Either we win over any good blood that we can use for ourselves and give it a place in our people or, gentlemen—you may call this cruel, but nature is cruel—we destroy this blood." As to "racially good types" Himmler further advised, "Therefore, I think that it is our duty to take their children with us to remove them from their environment if necessary by robbing or stealing them." (*L-70*). He urged deportation of Slavic children to deprive potential enemies of future soldiers.

The Nazi purpose was to leave Germany's neighbors so weakened that even if she should eventually lose the war, she would still be the most powerful nation in Europe. Against this background, we must view the plan for ruthless warfare, which means a plan for the commission of war crimes and crimes against humanity.

Hostages in large numbers were demanded and killed. Mass punishments were inflicted, so savage that whole communities were extinguished. Rosenberg was advised of the annihilation of three unidentified villages in Slovakia. In May of 1943, another village of about 40 farms and 220 inhabitants was ordered wiped out. The entire population was ordered shot, the cattle and property impounded, and the order required that "the village will be destroyed totally by fire." A secret report from Rosenberg's Reich Ministry of Eastern territory reveals that:

> "Food rations allowed the Russian population are so low that they fail to secure their existence and provide only for minimum subsistence of limited duration. The population does not know if they will still live tomorrow. They are faced with death by starvation.
>
> "The roads are clogged by hundreds of thousands of people, sometime as many as one million according to the estimate of experts, who wander around in search of nourishment.
>
> "Sauckel's action has caused great unrest among the civilians. Russian girls were deloused by men, nude photos in

> forced positions were taken, women doctors were locked into freight cars for the pleasure of the transport commanders, women in night shirts were fettered and forced through the Russian towns to the railroad station, etc. All this material has been sent to the OKH."

Perhaps the deportation to slave labor was the most horrible and extensive slaving operation in history. On few other subjects is our evidence so abundant or so damaging. In a speech made on January 25, 1944, the defendant Frank, Governor General of Poland, boasted, "I have sent 1,300,000 Polish workers into the Reich." The defendant Sauckel reported that "out of the five million foreign workers who arrived in Germany not even 200,000 came voluntarily." This fact was reported to the Fuehrer and defendants Speer, Goering, and Keitel (*R–124*). Children of 10 to 14 years were impressed into service by telegraphic order of Rosenberg's Ministry for the Occupied Eastern Territories:

> "The Command is further charged with the transferring of worthwhile Russian youth between 10-14 years of age, to the Reich. The authority is not affected by the changes connected with the evacuation and transportation to the reception camps of Pialystok, Krajewo, and Olitei. The Fuehrer wishes that this activity be increased even more." (*200–PS*).

When enough labor was not forthcoming, prisoners of war were forced in war work in flagrant violation of international conventions (*016–PS*). Slave labor came from France, Belgium, Holland, Italy, and the East. Methods of recruitment were violent (*R–124, 018–PS, 204–PS*). The treatment of these slave laborers was stated in general terms, not difficult to translate into concrete deprivations, in a letter to the defendant Rosenberg from the defendant Sauckel, which stated:

> "All *prisoners of war*, from the *territories* of the West as well of the East, actually in Germany, must be completely incorporated into the German armament and munition industries. Their production must be brought to the highest possible level."
>
> "The complete employment of all prisoners of war as well as the use of a gigantic number of new foreign civilian workers, men and women, has become an undisputable necessity for the solution of the mobilization of labor program in this war.
>
> "All the men must be fed, sheltered and treated in such

> a way as to exploit them to the highest possible extent at the lowest conceivable degrees of expenditure." (*016–PS*).

In pursuance of the Nazi plan permanently to reduce the living standards of their neighbors and to weaken them physically and economically, a long series of crimes were committed. There was extensive destruction, serving no military purpose, of the property of civilians. Dikes were thrown open in Holland almost at the close of the war not to achieve military ends but to destroy the resources and retard the economy of the thrifty Netherlanders.

There was carefully planned economic syphoning off of the assets of occupied countries. An example of the planning is shown by a report on France dated December 7, 1942 made by the Economic Research Department of the Reichsbank. The question arose whether French occupation costs should be increased from 15 million Reichsmarks per day to 25 million Reichsmarks per day. The Reichsbank analyzed French economy to determine whether it could bear the burden. It pointed out that the armistice had burdened France to that date to the extent of 18½ billion Reichsmarks, equalling 370 billion Francs. It pointed out that the burden of these payments within two and a half years equalled the aggregate French national income in the year 1940, and that the amount of payments handed over to Germany in the first six months of 1942 corresponded to the estimate for the total French revenue for that whole year. The report concluded, "In any case, the conclusion is inescapable that relatively heavier tributes have been imposed on France since the armistice in June, 1940 than upon Germany after the World War. In this connection, it must be noted that the economic powers of France never equalled those of the German Reich and that vanquished France could not draw on foreign economic and financial resources in the same degree as Germany after the last World War."

The defendant Funk was the Reichs Minister of Economics and President of the Reichsbank; the defendant Ribbentrop was Foreign Minister; the defendant Goering was Plenipotentiary for the Four-Year Plan, and all of them participated in the exchange of views of which this captured document is a part (*2149–PS*). Notwithstanding this analysis by the Reichsbank, they proceeded to increase the imposition on France from 15 million Reichsmarks daily to 25 million daily.

It is small wonder that the bottom has been knocked out of French economy. The plan and purpose of the thing appears in a letter from General Stulpnagle, head of the German Armistice Commission, to the defendant Jodl as early as 14th September, 1940 when he wrote, "The slogan 'Systematic weakening of France' has already been surpassed by far in reality."

Not only was there a purpose to debilitate and demoralize the economy of Germany's neighbors for the purpose of destroying their competitive position, but there was looting and pilfering on an unprecedented scale. We need not be hypocritical about this business of looting. I recognize that no army moves through occupied territory without some pilfering as it goes. Usually the amount of pilfering increases as discipline wanes. If the evidence in this case showed no looting except of that sort, I certainly would ask no conviction of these defendants for it.

But we will show you that looting was not due to the lack of discipline or to the ordinary weaknesses of human nature. The German organized plundering, planned it, disciplined it, and made it official just as he organized everything else, and then he compiled the most meticulous records to show that he had done the best job of looting that was possible under the circumstances. And we have those records.

The defendant Rosenberg was put in charge of a systematic plundering of the art objects of Europe by direct order of Hitler dated 29 January 1940 (*136–PS*). On the 16th of April, 1943 Rosenberg reported that up to the 7th of April, 92 railway cars with 2,775 cases containing art objects had been sent to Germany; and that 53 pieces of art had been shipped to Hitler direct, and 594 to the defendant Goering. The report mentioned something like 20,000 pieces of seized art and the main locations where they were stored (*015–PS*).

Moreover, this looting was glorified by Rosenberg. Here we have 39 leather-bound tabulated volumes of his inventory, which in due time we will offer in evidence. One cannot but admire the artistry of this Rosenberg report. The Nazi taste was cosmopolitan. Of the 9,455 articles inventoried, there were included 5,255 paintings, 297 sculptures, 1,372 pieces of antique furniture, 307 textiles, and 2,224 small objects of art. Rosenberg observed that there were approximiately 10,000 more objects still to be inventoried (*015–PS*). Rosenberg himself estimated that the values involved would come close to a billion dollars (*090–PS*).

I shall not go into further details of the war crimes and crimes against humanity committed by the Nazi gangster ring whose leaders are before you. It is not the purpose in my part of this case to deal with the individual crimes. I am dealing with the common plan or design for crime and will not dwell upon individual offenses. My task is only to show the scale on which these crimes occurred, and to show that these are the men who were in the responsible positions and who conceived the plan and design which renders them answerable, regardless of the fact that the plan was actually executed by others.

At length, this reckless and lawless course outraged the world. It recovered from the demoralization of surprise attack, assembled its forces, and stopped these men in their tracks. Once success deserted their banners, one by one the Nazi satellites fell away. Sawdust Caesar collapsed. Resistance forces in every occupied country arose to harry the invader. Even at home, Germans saw that Germany was being led to ruin by these mad men, and the attempt on July 20, 1944 to assassinate Hitler, an attempt fostered by men of highest station, was a desperate effort by internal forces to stop short of ruin. Quarrels broke out among the failing conspirators, and the decline of the Nazi power was more swift than its ascendancy. German armed forces surrendered, its government disintegrated, its leaders committed suicide by the dozen, and by the fortunes of war these defendants fell into our hands. Although they are not by any means all the guilty ones, they are survivors among the most responsible. Their names appear over and over in the documents and their faces grace the photographic evidence. We have here the surviving top politicians, militarists, financiers, diplomats, administrators, and propagandists of the Nazi movement. Who was responsible for these crimes if they were not?

THE LAW OF THE CASE

The end of the war and capture of these prisoners presented the victorious Allies with the question whether there is any legal responsibility on high-ranking men for acts which I have described. Must such wrongs either be ignored or redressed in hot blood? Is there no standard in the law for a deliberate and reasoned judgment on such conduct?

The Charter of this Tribunal evidences a faith that the law is not only to govern the conduct of little men, but that even rulers are, as Lord Chief Justice Coke put it to King James, "under God and the law." The United States believed that the law long has afforded standards by which a juridical hearing could be conducted to make sure that we punish only the right men and for the right reasons. Following the instructions of the late President Roosevelt and the decision of the Yalta conference, President Truman directed representatives of the United States to formulate a proposed International Agreement, which was submitted during the San Francisco Conference to Foreign Ministers of the United Kingdom, the Soviet Union, and the Provisional Government of France. With many modifications, that proposal has become the Charter of this Tribunal.

But the Agreement which sets up the standards by which these prisoners are to be judged does not express the views of the signatory nations alone. Other nations with diverse but highly respected systems of jurisprudence also have signified adherence to it. These are Belgium, The Netherlands, Denmark, Norway, Czechoslovakia, Luxembourg, Poland, Greece, Yugoslavia, Ethiopia, Australia, Haiti, Honduras, Panama, New Zealand, Venezuela, and India. You judge, therefore, under an organic act which represents the wisdom, the sense of justice, and the will of twenty-one governments, representing an overwhelming majority of all civilized people.

The Charter by which this Tribunal has its being embodies certain legal concepts which are inseparable from its jurisdiction and which must govern its decision. These, as I have said, also are conditions attached to the grant of any hearing to defendants. The validity of the provisions of the Charter is conclusive upon us all whether we have accepted the duty of judging or of prosecuting under it, as well as upon the defendants, who can point to no other law which gives them a right to be heard at all. My able and experienced colleagues believe, as do I, that it will contribute to the expedition and clarity of this trial if I expound briefly the application of the legal philosophy of the Charter to the facts I have recited.

While this declaration of the law by the Charter is final, it may be contended that the prisoners on trial are entitled to have it applied to their conduct only most charitably if at all. It may be said that this is new law, not authoritatively declared at the time they did the acts it condemns, and that this declaration of the law has taken them by surprise.

I cannot, of course, deny that these men are surprised that this is the law; they really are surprised that there is any such thing as law. These defendants did not rely on any law at all. Their program ignored and defied all law. That this is so will appear from many acts and statements, of which I cite but a few. In the Fuehrer's speech to all military commanders on November 23, 1939, he reminded them that at the moment Germany had a pact with Russia, but declared, "Agreements are to be kept only as long as they serve a certain purpose." Later on in the same speech he announced, "A violation of the neutrality of Holland

and Belgium will be of no importance." (*789–PS*). A Top Secret document, entitled "Warfare as a Problem of Organization," dispatched by the Chief of the High Command to all Commanders on April 19, 1938, declared that "the normal rules of war toward neutrals may be considered to apply on the basis whether operation of rules will create greater advantages or disadvantages for belligerents." (*L–211*). And from the files of the German Navy Staff, we have a "Memorandum on Intensified Naval War," dated October 15, 1939, which begins by stating a desire to comply with International Law. "However," it continues, "if decisive successes are expected from any measure considered as a war necessity, it must be carried through even if it is not in agreement with international law." (*UK–65*). International Law, natural law, German law, any law at all was to these men simply a propaganda device to be invoked when it helped and to be ignored when it would condemn what they wanted to do. That men may be protected in relying upon the law at the time they act is the reason we find laws of retrospective operation unjust. But these men cannot bring themselves within the reason of the rule which in some systems of jurisprudence prohibits *ex post facto* laws. They cannot show that they ever relied upon International Law in any state or paid it the slightest regard.

The Third Count of the Indictment is based on the definition of war crimes contained in the Charter. I have outlined to you the systematic course of conduct toward civilian populations and combat forces which violates international conventions to which Germany was a party. Of the criminal nature of these acts at least, the defendants had, as we shall show, clear knowledge. Accordingly, they took pains to conceal their violations. It will appear that the defendants Keitel and Jodl were informed by official legal advisors that the orders to brand Russian prisoners of war, to shackle British prisoners of war, and to execute commando prisoners were clear violations of International Law. Nevertheless, these orders were put into effect. The same is true of orders issued for the assassination of General Giraud and General Weygand, which failed to be executed only because of a ruse on the part of Admiral Canaris, who was himself later executed for his part in the plot to take Hitler's life on July 20, 1944 (*Affidavit A*).

The Fourth Count of the Indictment is based on crimes against humanity. Chief among these are mass killings of countless human beings in cold blood. Does it take these men by surprise that murder is treated as a crime?

The First and Second Counts of the Indictment add to these crimes the crime of plotting and waging wars of aggression and wars in violation of nine treaties to which Germany was a party. There was a time, in fact I think the time of the first World War, when it could not have been said that war-inciting or war-making was a crime in law, however reprehensible in morals.

Of course, it was under the law of all civilized peoples a crime for one man with his bare knuckles to assault another. How did it come that multiplying this crime by a million, and adding fire arms to bare knuckles, made a legally innocent act? The doctrine was that one could not be regarded as criminal for committing the usual violent acts in the conduct of legitimate warfare. The age of imperialistic expansion during the Eighteenth and Nineteenth Centuries added the foul doctrine, contrary to the teachings of early Christian and International Law scholars such as Grotius, that all wars are to be regarded as legitimate wars. The sum of these two doctrines was to give war making a complete immunity from accountability to law.

This was intolerable for an age that called itself civilized. Plain people, with their earthly common sense, revolted at such fictions and legalisms so contrary to ethical principles and demanded checks on war immunity. Statesmen and international lawyers at first cautiously responded by adopting rules of warfare designed to make the conduct of war more civilized. The effort was to set legal limits to the violence that could be done to civilian populations and to combatants as well.

The common sense of men after the First World War demanded, however, that the law's condemnation of war reach deeper, and that the law condemn not merely uncivilized ways of waging war, but also the waging in any way of uncivilized wars —wars of agression. The world's statesmen again went only as far as they were forced to go. Their efforts were timid and cautious and often less explicit than we might have hoped. But the 1920's did outlaw aggressive war.

The reestablishment of the principle that there are unjust wars and that unjust wars are illegal is traceable in many steps. One of the most significant is the Briand-Kellogg Pact of 1928, by which Germany, Italy, and Japan, in common with practically all the nations of the world, renounced war as an instrument of national policy, bound themselves to seek the settlement of disputes only by pacific means, and condemned recourse to war for the solution of international controversies. This pact altered the legal status of a war of aggression. As Mr. Stimson, the United States Secretary of State put it in 1932, such a war "is no longer to be the source and subject of rights. It is no longer to be the principle around which the duties, the conduct, and the rights of nations revolve. It is an illegal thing. * * * By that very act, we have made obsolete many legal precedents and have given the legal profession the task of reexamining many of its codes and treaties."

The Geneva Protocol of 1924 for the Pacific Settlement of International Disputes, signed by the representatives of forty-eight governments, declared that "a war of aggression constitutes * * * an international crime." The Eighth Assembly of the League of Nations in 1927, on unanimous resolution of the representatives of forty-eight member nations, including Germany, declared that a war of aggression constitutes an international crime. At the Sixth Pan-American Conference of 1928, the twenty-one American Republics unanimously adopted a resolution stating that "war of aggression constitutes an international crime against the human species."

A failure of these Nazis to heed, or to understand the force and meaning of this evolution in the legal thought of the world is not a defense or a mitigation. If anything, it aggravates their offense and makes it the more mandatory that the law they have flouted be vindicated by juridical application to their lawless conduct. Indeed, by their own law—had they heeded any law—these principles were binding on these defendants. Article 4 of the Weimar Constitution provided that "The generally accepted rules of international law are to be considered as binding integral parts of the law of the German Reich." (*2050-PS*). Can there be any doubt that the outlawry of aggressive war was one of the "generally accepted rules of international law" in 1939?

Any resort to war—to any kind of a war—is a resort to means that are inherently criminal. War inevitably is a course of killings, assaults, deprivations of liberty, and destruction of property. An honestly defensive war is, of course, legal and saves those lawfully conducting it from criminality. But inherently criminal acts cannot be defended by showing that those who committed them were engaged in a war, when war itself is illegal. The very minimum legal consequence of the treaties making aggressive wars illegal is to strip those who incite or wage them of every defense the law ever gave, and to leave warmakers subject to judgment by the usually accepted principles of the law of crimes.

But if it be thought that the Charter, whose declarations concededly bind us all, does contain new law I still do not shrink from demanding its strict application by this Tribunal. The rule of law in the world, flouted by the lawlessness incited by these defendants, had to be restored at the cost to my country of over a million casualties, not to mention those of other nations. I cannot subscribe to the perverted reasoning that society may advance and strengthen the rule of law by the expenditure of morally innocent lives but that progress in the law may never be made at the price of morally guilty lives.

It is true, of course, that we have no judicial precedent for the Charter. But International Law is more than a scholarly collection of abstract and immutable principles. It is an outgrowth of treaties and agreements between nations and of accepted customs. Yet every custom has its origin in some single act, and every agreement has to be initiated by the action of some state. Unless we are prepared to abandon every principle of growth for International Law, we cannot deny that our own day has the right to institute customs and to conclude agreements that will themselves become sources of a newer and strengthened International Law. International Law is not capable of development by the normal processes of legislation for there is no continuing international legislative authority. Innovations and revisions in International Law are brought about by the action of governments designed to meet a change in circumstances. It grows, as did the Common Law, through decisions reached from time to time in adapting settled principles to new situations. The fact is that when the law evolves by the case method, as did the Common Law and as International Law must do if it is to advance at all, it advances at the expense of those who wrongly guessed the law and learned too late their error. The law, so far as International Law can be decreed, had been clearly pronounced when these acts took place. Hence, I am not disturbed by the lack of judicial precedent for the inquiry we propose to conduct.

The events I have earlier recited clearly fall within the standards of crimes, set out in the Charter, whose perpetrators this Tribunal is convened to judge and punish fittingly. The standards for war crimes and crimes against humanity are too familiar to need comment. There are, however, certain novel problems in applying other precepts of the Charter which I should call to your attention.

THE CRIME AGAINST PEACE

A basic provision of the Charter is that to plan, prepare, initiate, or wage a war of aggression, or a war in violation of international treaties, agreements, and assurances, or to conspire or participate in a common plan to do so is a crime.

It is perhaps a weakness in this Charter that it fails itself to define a war of aggression. Abstractly, the subject is full of difficulty and all kinds of troublesome hypothetical cases can be conjured up. It is a subject which, if the defense should be permitted to go afield beyond the very narrow charge in the Indictment, would prolong the trial and involve the Tribunal in insoluble political issues. But so far as the question can properly be involved in this case, the issue is one of no novelty and is one on which legal opinion has well crystalized.

One of the most authoritative sources of International Law on this subject is the Convention for the Definition of Aggression signed at London on July 3, 1933 by Roumania, Estonia, Latvia, Poland, Turkey, The Soviet Union, Persia, and Afghanistan. The subject has also been considered by international committees and by commentators whose views are entitled to the greatest respect. It had been little discussed prior to the First World War but has received much attention as International Law has evolved its outlawry of aggressive war. In the light of these materials of International Law, and so far as relevant to the evidence in this case, I suggest that an "aggressor" is generally held to be that state which is the first to commit any of the following actions:

> (1) Declaration of war upon another State;
>
> (2) Invasion by its armed forces, with or without a declaration war, of the territory of another State;
>
> (3) Attack by its land, naval, or air forces, with or without a declaration of war, on the territory, vessels, or aircraft of another State;
>
> (4) Provision of support to armed bands formed in the territory of another State, or refusal, notwithstanding the request of the invaded State, to take in its own territory, all the measures in its power to deprive those bands of all assistance or protection.

And I further suggest that it is the general view that no political, military, economic or other considerations shall serve as an excuse or justification for such actions; but exercise of the right of legitimate self-defense, that is to say, resistance to an act of aggression, or action to assist a State which has been subjected to aggression, shall not constitute a war of aggression.

It is upon such an understanding of the law that our evidence of a conspiracy to provoke and wage an aggressive war is prepared and presented. By this test each of the series of wars begun by these Nazi leaders was unambiguously aggressive.

It is important to the duration and scope of this trial that we bear in mind the difference between our charge that this war was one of aggression and a position that Germany had no grievances. We are not inquiring into the conditions which contributed to causing this war. They are for history to unravel. It is no part of our task to vindicate the European *status quo* as of 1933, or as of any other date. The United States does not desire to enter into discussion of the complicated pre-war currents of European politics, and it hopes this trial will not be protracted by their consideration. The remote causations avowed are too insincere and inconsistent, too complicated and doctrinaire to be the subject of profitable inquiry in this trial. A familiar example is to be found in the *Lebensraum* slogan, which summarized the contention that Germany needed more living space as a justification for expansion. At the same time that the Nazis were demanding more space for the German people, they were demanding more German people to occupy space. Every known means to increase the birth rate, legitimate and illegitimate, was utilized. *Lebensraum* represented a vicious circle of demand—from neighbors more space, and from Germans more progeny. We do not need to investigate the verity of doctrines which led to constantly expanding circles of aggression. It is the plot and the act of aggression which we charge to be crimes.

Our position is that whatever grievances a nation may have, however objectionable it finds the *status quo,* aggressive warfare is an illegal means for settling those grievances or for altering those conditions. It may be that the Germany of the 1920's and 1930's faced desperate problems, problems that would have warranted the boldest measures short of war. All other methods—persuasion, propaganda, economic competition, diplomacy—were open to an aggrieved country, but aggressive warfare was outlawed. These defendants did make aggressive war, a war in violation of treaties. They did attack and invade their neighbors in order to effectuate a foreign policy which they knew could not be accomplished by measures short of war. And that is as far as we accuse or propose to inquire.

THE LAW OF INDIVIDUAL RESPONSIBILITY

The Charter also recognizes individual responsibility on the part of those who commit acts defined as crimes, or who incite others to do so, or who join a common plan with other persons, groups or organizations to bring about their commission. The principle of individual responsibility for piracy and brigandage, which have long been recognized as crimes punishable under International Law, is old and well established. That is what illegal warfare is. This principle of personal liability is a necessary as well as logical one if International Law is to render real help to the maintenance of peace. An International Law which operates only on states can be enforced only by war because the most practicable method of coercing a state is warfare. Those familiar with American history know that one of the compelling reasons for adoption of our Constitution was that the laws of the Confederation, which operated only on constituent states, were found ineffective to maintain order among them. The only answer to recalcitrance was impotence or war. Only sanctions which reach individuals can peacefully and effectively be enforced. Hence, the principle of the criminality of aggressive war is implemented by the Charter with the principle of personal responsibility.

Of course, the idea that a state, any more than a corporation, commits crimes is a fiction. Crimes always are committed only by persons. While it is quite proper to employ the fiction of responsibility of a state or corporation for the purpose of imposing a collective liability, it is quite intolerable to let such a legalism become the basis of personal immunity.

The Charter recognizes that one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of states. These twin principles working together have heretofore resulted in immunity for practically everyone concerned in the really great crimes against peace and mankind. Those in lower ranks were protected against liability by the orders of their superiors. The superiors were protected because their orders were called acts of state. Under the Charter, no defense based on either of these doctrines can be entertained. Modern civilization puts unlimited weapons of destruction in the hands of men. It cannot tolerate so vast an area of legal irresponsibility.

Even the German Military Code provides that:

> "If the execution of a military order in the course of duty violates the criminal law, then the superior officer giving the order will bear the sole responsibility therefor. However, the obeying subordinate will share the punishment of the participant: (1) if he has exceeded the order given to him, or (2) if it was within his knowledge that the order of his superior officer concerned an act by which it was intended to commit a civil or military crime or transgression." (*Reichsgesetzblatt*, 1926, No. 37, p. 278, Art. 47).

Of course, we do not argue that the circumstances under which one commits an act should be disregarded in judging its legal effect. A conscripted private on a firing squad cannot expect to hold an inquest on the validity of the execution. The Charter implies common sense limits to liability just as it places common sense limits upon immunity. But none of these men before you acted in minor parts. Each of them was entrusted with broad discretion and exercised great power. Their responsibility is correspondingly great and may not be shifted to that fictional being, "the State", which can not be produced for trial, can not testify, and can not be sentenced.

The Charter also recognized a vicarious liability, which responsibility is recognized by most modern systems of law, for acts committed by others in carrying out a common plan or conspiracy to which a defendant has become a party. I need not discuss the familiar principles of such liability. Every day in the courts of countries associated in this prosecution, men are convicted for acts that they did not personally commit but for which they were held responsible because of membership in illegal combinations or plans or conspiracies.

THE POLITICAL, POLICE, AND MILITARY ORGANIZATIONS

Accused before this Tribunal as criminal organizations are certain political and police organizations which the evidence will show to have been instruments of cohesion in planning and executing the crimes I have detailed. Perhaps the worst of the movement were the Leadership Corps of the NSDAP, the Schultzstaffeln or "SS", and the Sturmabteilungen or "SA", and the subsidiary formations which these include. These were the Nazi Party leadership, espionage, and policing groups. They were the real government, above and outside of any law. Also accused as organizations are the Reich Cabinet and the Secret State Police or Gestapo, which were fixtures of the Government but animated solely by the Nazi Party.

Except for a late period when some compulsory recruiting was done in the SS, membership in all these militarized formations was voluntary. The police organizations were recruited from ardent partisans who enlisted blindly to do the dirty work the leaders planned. The Reich Cabinet was the governmental facade for Nazi Party Government and in its member's legal as well as actual responsibility was vested for the entire program. Collectively they were responsible for the program in general, individually they were especially responsible for segments of it. The finding which we ask you to make, that these are criminal organizations, will subject members to punishment to be hereafter determined by appropriate tribunals, unless some personal defense—such as becoming a member under threat to person, to family, or inducement by false representation, or the like—be established. Every member will have a chance to be heard in the subsequent forum on his personal relation to the organization, but your finding in this trial will conclusively establish the criminal character of the organization as a whole.

We have also accused as criminal organizations the High Command and the General Staff of the German Armed Forces. We recognize that to plan warfare is the business of professional soldiers in every country. But it is one thing to plan strategic moves in the event war comes, and it is another thing to plot and intrigue to bring on that war. We will prove the leaders of the German General Staff and of the High Command to have been guilty of just that. Military men are not before you because they served their country. They are here because they mastered it, along with these others, and drove it to war. They are not here because they lost the war but because they started it. Politicians may have thought of them as soldiers, but soldiers know they were politicians. We ask that the General Staff and the High Command, as defined in the Indictment, be condemned as a criminal group whose existence and tradition constitute a standing menace to the peace of the world.

These individual defendants did not stand alone in crime and will not stand alone in punishment. Your verdict of "guilty" against these organizations will render *prima facie* guilty, as nearly as we can learn, thousands upon thousands of members now in custody of United States forces and of other Armies.

THE RESPONSIBILITY OF THIS TRIBUNAL

To apply the sanctions of the law to those whose conduct is found criminal by the standards I have outlined, is the responsibility committed to this Tribunal. It is the first court ever to undertake the difficult task of overcoming the confusion of many tongues and the conflicting concepts of just procedure among divers systems of law, so as to reach a common judgment. The tasks of all of us are such as to make heavy demands on patience and good will. Although the need for prompt action has admittedly resulted in imperfect work on the part of the prosecution, four great nations bring you their hurriedly assembled contributions of evidence. What remains undiscovered we can only guess. We could, with witnesses' testimony, prolong the recitals of crime for years—but to what avail? We shall rest the case when we have offered what seems convincing and adequate proof of the crimes charged without unnecessary cumulation of evidence. We doubt very much whether it will be seriously denied that the crimes I have outlined took place. The effort will undoubtedly be to mitigate or escape personal responsibility.

Among the nations which unite in accusing these defendants the United States is perhaps in a position to be the most dispassionate, for, having sustained the least injury, it is perhaps the least animated by vengeance. Our American cities have not been bombed by day and night, by humans and by robots. It is not our temples that have been laid in ruins. Our countrymen have not had their homes destroyed over their heads. The menace of Nazi aggression, except to those in actual service, has seemed less personal and immediate to us than to European peoples. But while the United States is not first in rancor, it is not second in determination that the forces of law and order be made equal to the task of dealing with such international lawlessness as I have recited here.

Twice in my lifetime, the United States has sent its young manhood across the Atlantic, drained its resources, and burdened itself with debt to help defeat Germany. But the real hope and faith that has sustained the American people in these great efforts was that victory for ourselves and our Allies would lay the basis for an ordered international relationship in Europe and would end the centuries of strife on this embattled continent.

Twice we have held back in the early stages of European conflict in the belief that it might be confined to a purely European affair. In the United States, we have tried to build an economy without armament, a system of government without militarism, and a society where men are not regimented for war. This purpose, we know now, can never be realized if the world periodically is to be embroiled in war. The United States cannot, generation after generation, throw its youth or its resources onto the battlefields of Europe to redress the lack of balance between Germany's strength and that of her enemies, and to keep the battles from our shores.

The American dream of a peace and plenty economy, as well as the hopes of other nations, can never be fulfilled if those nations are involved in a war every generation so vast and devastating as to crush the generation that fights and burden the generation that follows. But experience has shown that wars are no longer local. All modern wars become world wars eventually. And none of the big nations at least can stay out. If we cannot stay out of wars, our only hope is to prevent wars.

I am too well aware of the weaknesses of juridical action alone to contend that in itself your decision under this Charter can prevent future wars. Judicial action always comes after the event. Wars are started only on the theory and in the confidence that they can be won. Personal punishment, to be suffered only in the event the war is lost, will probably not be a sufficient deterent to prevent a war where the warmakers feel the chances of defeat to be negligible.

But the ultimate step in avoiding periodic wars, which are inevitable in a system of international lawlessness, is to make statesmen responsible to law. And let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment. We are able to do away with domestic tyranny and violence and aggression by those in power against the rights of their own people only when we make all men answerable to the law. This trial represents mankind's desperate effort to apply the discipline of the law to statesmen who have used their powers of state to attack the foundations of the world's peace and to commit aggressions against the rights of their neighbors.

The usefulness of this effort to do justice is not to be measured by considering the law or your judgment in isolation. This trial is part of the great effort to make the peace more secure. One step in this direction is the United Nations organization, which may take joint political action to prevent war if possible, and joint military action to insure that any nation which starts a war will lose it. This Charter and this trial, implementing the Kellogg-Briand Pact, constitute another step in the same direction—juridical action of a kind to ensure that those who start a war will pay for it personally.

While the defendants and the prosecutors stand before you as individuals, it is not the triumph of either group alone that is committed to your judgment. Above all personalities there are anonymous and impersonal forces whose conflict makes up much of human history. It is yours to throw the strength of the law back of either the one or the other of these forces for at least another generation. What are the real forces that are contending before you?

No charity can disguise the fact that the forces which these defendants represent, the forces that would advantage and delight in their acquittal, are the darkest and most sinister forces in society—dictatorship and oppression, malevolence and passion, militarism and lawlessness. By their fruits we best know them. Their acts have bathed the world in blood and set civilization back a century. They have subjected their European neighbors to every outrage and torture, every spoliation and deprivation that insolence, cruelty, and greed could inflict. They have brought the German people to the lowest pitch of wretchedness, from which they can entertain no hope of early deliverance. They have stirred hatreds and incited domestic violence on every continent. These are the things that stand in the dock shoulder to shoulder with these prisoners.

The real complaining party at your bar is Civilization. In all our countries it is still a struggling and imperfect thing. It does not plead that the United States, or any other country, has been blameless of the conditions which made the German people easy victims to the blandishments and intimidations of the Nazi conspirators.

But it points to the dreadful sequence of aggressions and crimes I have recited, it points to the weariness of flesh, the exhaustion of resources, and the destruction of all that was beautiful or useful in so much of the world, and to greater potentialities for destruction in the days to come. It is not necessary among the ruins of this ancient and beautiful city, with untold members of its civilian inhabitants still buried in its rubble, to argue the proposition that to start or wage an aggressive war has the moral qualities of the worst of crimes. The refuge of the defendants can be only their hope that International Law will lag so far behind the moral sense of mankind that conduct which is crime in the moral sense must be regarded as innocent in law.

Civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude by criminals of this order of importance. It does not expect that you can make war impossible. It does expect that your juridical action will put the forces of International Law, its precepts, its prohibitions and, most of all, its sanctions, on the side of peace, so that men and women of good will in all countries may have "leave to live by no man's leave, underneath the law."

[In most instances, documents referred to or quoted from have been cited by number, even though some of them have not been introduced in evidence as part of the American case. Where they were not offered as evidence it was chiefly for the reason that documents subsequently discovered covered the point more adequately, and because the pressure of time required the avoidance of cumulative evidence.

In some instances, no citations are given of documents quoted from or referred to. These are documents which for a variety of reasons were not introduced in evidence during the American case. The length of some of them was disproportionate to the value of their contents, and hence instead of full translations only summaries were prepared in English. In some cases a translation of the document referred to was made only for use in the address and was not included in the evidence which it was proposed to offer in court. In other cases the document, although translated, was turned over to the French or Russian delegations for use in the proof of Counts III and IV, and hence forms no part of the American case.]

Chapter VI

ORGANIZATION OF THE NAZI PARTY AND STATE

I. THE NAZI PARTY

In the opinion of the prosecution, some preliminary references must be made to the National Socialist German Labor Party, the NSDAP (*Nationalsozialistische Deutsche Arbeiterpartei*) which is not itself one of the defendant organizations in this proceeding, but which is represented among the defendant organizations by its most important formations, viz., the Leadership Corps of the Nazi Party (*Das Korps der Politischen Leiter der NSDAP*), the SS (*Die Schutzstaffeln der NSDAP*), and the SA (*Die Sturmabteilungen der NSDAP*).

The prosecution has prepared a chart (*Chart No. 1*) showing the structure and organization of the NSDAP substantially as it existed at the peak of its development in March 1945. This chart has been prepared on the basis of information contained in important publications of the National Socialist Party, with which the defendants must be presumed to have been well acquainted. Particular reference is made to the Organization Book of the Party (*Das Organisationsbuch der NSDAP*) and to the National Socialist Year Book (*Nationalsozialistisches Jahrbuch*), of both of which Robert Ley was publisher. Both books were printed in many editions and appeared in hundreds of thousands of copies, throughout the period when the National Socialist party was in control of the German Reich and of the German people. This chart has been certified on its face as correct by a high official of the Nazi party, viz. Franz Xaver Schwarz, its Treasurer (*Reichsschatzmeister der NSDAP*), and its official in charge of party administration, whose affidavit is submitted with the chart.

Certain explanatory remarks concerning the organization of the National Socialist party may be useful.

The *Leadership Corps of the NSDAP,* named as a defendant organization, comprised the sum of the officials of the Nazi party. It was divided into seven categories:

1. The Fuehrer
2. Reichsleiter

Hoheitstraeger

3. Gauleiter
4. Kreisleiter
5. Ortsgruppenleiter
6. Zellenleiter
7. Blockleiter

The *Fuehrer* was the supreme and only leader who stood at the top of the party hierarchy. His successor designate was first, Hermann Goering, and second, Rudolf Hess.

The *Reichsleiter*, of whom 16 are shown on the chart, made up the Party Directorate (*Reichsleitung*). Through them, coördination of party and state machinery was assured. A number of these *Reichsleiter*, each of whom, at some time, was in charge of at least one office within the Party Directorate, were also the heads of party formations and of affiliated or supervised organizations of the party, or of agencies of the state, or even held ministerial positions. The *Reichsleitung* may be said to have represented the horizontal organization of the party according to functions, within which all threads controlling the varied life of the German people met. Each office within the *Reichsleitung* of the NSDAP executed definite tasks assigned to it by the Fuehrer, or by the leader of the Party Chancellory (*Chef der Parteikanzlei*), who in 1945 was Martin Bormann and before him, Rudolph Hess.

It was the duty of the *Reichsleitung* to make certain these tasks were carried out so that the will of the Fuehrer was quickly communicated to the lowliest *Zelle* or *Block*. The individual offices of the *Reichsleitung* had the mission to remain in constant and closest contact with the life of the people through the subdivisions of the party organization, in the *Gaue, Kreisen,* and *Ortsgruppen.* These leaders had been taught that the right to organize human beings accrued through appreciation of the fact that a people must be educated ideologically (*weltanschaulich*), that is to say, according to the philosophy of National Socialism. Among the former *Reichsleiter* on trial in this cause are the following defendants:

Alfred Rosenberg—The delegate to the Fuehrer for Ideological Training and Education of the Party. (*Der Beauftragte des Fuehrer's fuer die Ueberwachung der gesammten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP*).

Hans Frank—At one time head of the Legal Office of the party (*Reichsleiter des Reichsrechtsamtes*).

Baldur von Schirach—Leader of Youth Education *(Leiter fuer die Jugenderziehung).*

and the late

Robert Ley—Leader of the Party Organization
(Reichsorganisationsleiter der NSDAP)
and Leader of the German Labor Front
(Leiter der Deutschen Arbeitsfront).

The next categories to be considered are the *Hoheitstraeger*, the "bearers of sovereignty." To them was assigned political sovereignty over specially designated subdivisions of the state of which they were the appointed leaders. The *Hoheitstraeger* may be said to represent the vertical organization of the party. These leaders included all:

a. Gauleiter, of which there were 42 within the Reich in 1945. A *Gauleiter* was the political leader of the largest subdivision of the State. He was charged by the Fuehrer with political, cultural, and economic control over the life of the people, which he was to coordinate with the National Socialist ideology. A number of the defendants before the bar of the Tribunal were former *Gauleiter* of the NSDAP. Among them are Juluis Streicher (Franconia) whose seat was in Nurnberg, Baldur von Schirach (Vienna), and Fritz Sauckel (Thuringia).

b. Kreisleiter, the political leaders of the largest subdivision of a *Gau.*

c. Ortsgruppenleiter, the political leaders of the largest subdivision of a *Kreis* consisting of several towns or villages, or of a part of a larger city, and including from 1500 to 3000 households.

d. Zellenleiter, the political leaders of a group of from 4 to 8 city blocks or of a corresponding grouping of households in the country.

e. Blockleiter, the political leaders of from 40 to 60 households.

Each of these *Hoheitstraeger*, or "bearers of sovereignty," was directly responsible to the next highest leader in the Nazi hierarchy. The *Gauleiter* was directly subordinate to the *Fuehrer* himself, the *Kreisleiter* was directly subordinate to the *Gauleiter*, the *Ortsgruppenleiter* to the *Kreisleiter*, and so no. The *Fuehrer* himself appointed all *Gauleiter* and *Kreisleiter*, all *Reichsleiter*, and all other political leaders within the Party Directorate *(Reichsleitung)* down to the grade of *Gauamtsleiter*, the head of a subdivision of the party organization within a *Gau.*

The *Hoheitstraeger* and *Reichsleitung* together constituted the all-powerful group of leaders by means of which the Nazi party reached into the lives of the people, consolidated its control over them, and compelled them to conform to the National Socialist pattern. For this purpose, broad powers were given them, including the right to call upon all party machinery to effectuate their plans. They could requisition the services of the SA and of the SS, as well as of the HJ and the NSKK.

The controlled party organizations *(Gliederungen der NSDAP)* actually constituted the party itself, and substantially the entire party membership was contained within these organizations, viz.:

SA—NS Storm Troops *(Sturmabteilungen).*
SS—NS Elite Corps *(Schutzstaffeln).*
NSKK—NS Motor Corps *(Kraftfahrkorps).*
HJ—Hitler Youth *(Hitlerjugend).*
NS Women's Organization *(Frauenschaft).*
NS German Students' Bund *(Deutscher Studentenbund).*
NS University Teachers' Bund *(Deutscher Dozentenbund).*

There were additional affiliated organizations *(Angeschlossene Verbaende der NSDAP).* Among these were included the following:

DAF—German Labor Front *(Deutsche Arbeitsfront).*
NS Public Welfare Organization *(Volkswohlfahrt).*
NS War Victims' Organization *(Kriegsopferversorgung).*
NS Bund for German Technology *(Bund Deutscher Technik).*
German Civil Service *(Reichsbund der Deutschen Beamten).*
NS Physicians' Bund *(Deutscher Aerztebund).*
NS Teachers' Bund *(Lehrerbund).*
NS League of Legal Officials *(Rechtswahrerbund).*

A third group of organizations was officially known as supervised organizations *(Betreute Organisationen der NSDAP).* These included the following:

German Women's Work *(Deutsches Frauenwerk).*
German Students' Society *(Deutsche Studentenschaft).*
NS Bund of Former German Students *(Altherrenbund der Deutschen Studenten).*
Reich League "German Family" *(Reichsbund Deutsche Familie).*
German Communal Congress *(Deutscher Gemeindetag).*
NS Bund for Physical Exercise *(Reichsbund fuer Leibesuebungen).*

According to the official party designations, there was a fourth classification known as *Weitere Nationalsozialistische Organisationen,* and in this category the following organizations appeared:

RAD—Reich Labor Service *(Reichsarbeitsdienst),* at one time subordinate to the Reich Labor leader *(Reichsarbeitsfuehrer).*

NSFK—NS Flying Corps *(NS—Fliegerkorps)*, which was subordinate to the Reich Minister for Aviation.

2. THE GOVERNMENT OF THE THIRD REICH

The prosecution has prepared another chart (*Chart No. 18)* delineating substantially the organizational structure of the government of the Third Reich, as it existed in March 1945, and "the chief leadership personnel of the Reich Government and the Reich Administration during said years." This chart has been prepared on the basis of information contained in two well known official publications: The *Taschenbuch fuer Verwaltungsbeamte,* and the *Nationalsozialistischer Jahrbuch,* above mentioned, of which Robert Ley was publisher. The chart has been examined, corrected, and certified by Wilhelm Frick, whose affidavit is submitted with it. It seems plain that Frick, a former Minister of Interior of the Reich from January 1933 to August 1943, was well qualified, by reason of his position and long service in public office during the National Socialist regime, to certify to the substantial accuracy of the facts disclosed in this chart.

It may be useful to commence with consideration of the *Reichsregierung,* a word which may not be translated literally as "government of the Reich." The word *Reichsregierung* was a word of art applied collectively to the ministers who composed the German cabinet. The *Reichsregierung,* which has been named as a defendant group in this proceeding, includes the following:

a. Members of the ordinary cabinet after 30 January 1933, i.e. Reich ministers with and without portfolio and all other officials entitled to participate in the meetings of this cabinet.
b. Members of the Council of Ministers for the Defense of the Reich *(Ministerrat fuer die Reichsverteidigung).*
c. Members of the Secret Cabinet Council *(Geheimer Kabinettsrat).*

Unlike the cabinets and ministerial councils in countries not within the orbit of the former Axis, the *Reichsregierung,* after 30 January 1933 when Adolf Hitler became Chancellor of the German Republic, did not remain merely the executive branch of the government. In short order it also came to possess, and it exercised, legislative and other functions in the governmental system developed under the domination of the National Socialist party.

It is proper to observe here that, unlike such NS party organizations as the SS and the SA, the *Reichsregierung* before 1933 was not a body created exclusively or predominantly for the purpose of committing illegal acts. The *Reichsregierung* was an instrument of government provided for by the Weimar Constitution. Under the Nazi regime, however, the *Reichsregierung* gradually became a primary agent of the party with functions formulated in accordance with the objectives and methods of the party. The party was intended to be a *Fuehrerorden,* an order of *Fuehrers,* a pool of political leaders; and whole the party was—in the words of a German law—"the bearer of the concept of the German State," it was not identical with the State. Hence, in order to realize its ideological and political objectives and to reach the German people, the party had to avail itself of official state channels. The *Reichsregierung,* and the agencies and offices established by it, were the chosen instruments by means of which party policies were converted into legislative and administrative acts binding upon the German people as a whole.

In order to accomplish this result, the *Reichsregierung* was thoroughly remodelled so as to coordinate party and state machinery, in order to impose the will of the *Fuehrer* on the German people. On 30 January 1933 the *Reichsregierung* contained but few National Socialists. But as the power of the party in the Reich grew, the composition of the cabinet came to include an ever-increasing number of Nazis until, by January 1937, no non-party member remained in the *Reichsregierung.* New cabinet posts were created and Nazis appointed to fill them. Many of these cabinet members were also in the *Reichsleitung* of the party.

To give a few examples: Rosenberg, the Delegate of the *Fuehrer* for Ideological Training and Education of the Party, was a member of the *Reichsregierung* as Minister for the Occupied Eastern Territories (*Reichsminister f. d. b. Ostgebiete*). Frick, the leader of the National Socialist faction in the Reichstag, was also Minister of the Interior (*Reichsinnenminister*). Goebbels, the *Reichsleiter* for Propaganda, also sat in the cabinet as Minister for Public Enlightenment and Propaganda (*Reichsminister fuer Volksaufklaerung und Propaganda*).

After 25 July 1934, party participation in the work of the cabinet was at all times attained through Rudolf Hess, the Deputy of the *Feuhrer.* By a decree of the *Fuehrer,* Hess was invested with power to take part in the editing of bills dealing with all departments of the Reich. Later this power of the Fuehrer's Deputy was expanded to include all executive decisions and orders published in the *Reichsgesetzblatt.* After Hess' flight to England in 1941, Martin Bormann took over, as his successor, the same function and, in addition, was given the authority of a Reich minister and made a member of the cabinet.

On 30 January 1937 Hitler accepted into the party those last few members of the cabinet who were not then party members. Only one cabinet member had the strength of character to reject membership in the party; he was the Minister of Ports and of Transportation, von Eltz-Ruebenach, who stated at the time that he was unable to reconcile membership in the NSDAP with his beliefs in Christianity. But such was not the case with Constantin von Neurath. He did not reject party membership. Nor did Erich Raeder reject party membership. And if Hjalmar Schacht was not already a party member at that time, then he too did not reject membership on 30 January 1937.

The chart shows many other instances where party members on the highest as well as on subordinate levels occupied corresponding or other positions in the organization of the state.

a. Hitler himself, the *Fuehrer* of the NSDAP, was also the Chancellor of the Reich, with which office the office of President of the German Republic was united after the death of President von Hindenburg in 1934.

b. Goering, the successor designate of Hitler as Fuehrer of the NSDAP, was a member of the cabinet as Minister for Air *(Luftfahrtminister)*, and he also held many other important positions, including that of Commander in Chief of the *Luftwaffe*, the German air force, and Delegate for the Four Year Plan *(Beauftragter f. d. Vierjahresplan)*.

c. Heinrich Himmler, the notorious head of the SS *(Reichsfuehrer SS)*, was also Chief of the German Police, reporting to Frick. He himself later became Minister of the Interior after the attempted assassination of Hitler on 20 June 1944, which event also catapulted him into the position of Commander in Chief of the German Reserve Army.

The *Reichstag*, which was the German parliament, presents an anomaly in this picture. Under the Republic it had been the supreme law-making body of the Reich, subject only to a limited check by the *Reichsrat* (Council of the Reich), the President, and the German people themselves, by way of initiative and referendum. Putting their opposition to all forms of parliamentarism at once into effect, the Nazis proceeded to curtail these legislative powers of the *Reichstag*, the *Reichsrat*, and the *Reichspraesident*.

By the Act of 24 March 1933 the cabinet was given unlimited legislative powers, including the right to deviate from the constitution. Subsequently the *Reichsrat* was abolished; and later, upon the death of President von Hindenburg in 1934, the posts of Chancellor and President were merged.

The development of the *Reichstag* into an emasculated legislative body was an intermediate step on the road to rule by Fuehrer decree, the ultimate goal of the National Socialist party—and one which it achieved.

The Nazis then proceeded to delegate some of the functions of the *Reichsregierung* to various newly-created agencies. Cabinet functions were delegated:

1. To the *Reichsverteidigungsrat,* the Reich Defense Council, possibly as early as 4 April 1933 but certainly not later than May 1935. This was a large war-planning group of which Hitler was chairman and Goering alternate. The group included many cabinet members, and a working committee, presided over by Fieldmarshal Wilhelm Keitel, was also composed of cabinet members and Reich defense officials, the majority of whom were appointed by cabinet members and subordinate to them.

2. To the Plenipotentiary for War Economy *(Generalbevollmaechtigter f. d. Kriegswirtschaft),* Hjalmar Schacht (and later Walter Funk), who by the Secret Reich Defense Law of May 1935 was authorized to "begin his work already in peacetime."

3. To the Plenipotentiary for Administration *(Generalbevollmaechtigter f. d. Reichsverwaltung),* Wilhelm Frick, whose deputy, Himmler, later succeeded him, and who was appointed by a Secret Reich Defense Law. Subordinate to Frick as Plenipotentiary were the ministries of the Interior, Justice, Education, Church Affairs and *Raumordnung* (Spatial Planning).

4. To the Delegate for the Four Year Plan *(Beauftragter f. d. Vierjahresplan),* Goering.

5. To the *Dreierkollegium,* the College of Three, consisting of the two Plenipotentiaries for War Economy and Administration, and Fieldmarshal Keitel as chief of the OKW. The duties of this *Dreierkollegium* appear to have included the drafting of decrees in preparation of and for use during the war.

6. To the *Geheime Kabinettsrat,* the Secret Cabinet Council, created by Fuehrer decree in February 1938, of which von Neurath was president; and

7. To the *Ministerrat f. d. Reichsverteidigung,* the Council of Ministers for the Defense of the Reich, established by *Fuehrer* decree on 30 August 1939 and responsible to him alone. Its membership was taken from the Reich Defense Council. It had broad powers to issue decrees with force of law insofar as the *Reichsregierung* itself had not legislated on the subject.

It should be stressed that this delegation of cabinet functions and authority to various secret and semi-secret groups composed largely of its own members, helped to conceal some of the most important policies of the *Reichsregierung,* particularly those relating to preparation for war.

Thus, step by step, the National Socialist party succeeded in putting its policies into effect through the machinery of the state, the *Reichsregierung,* in its revised form.

Chapter VII

MEANS USED BY THE NAZI CONSPIRATORS IN GAINING CONTROL OF THE GERMAN STATE

I. COMMON OBJECTIVES, METHODS, AND DOCTRINES OF THE CONSPIRACY

In 1921 Adolf Hitler became the supreme leader or *Fuehrer* of the *Nationalsozialistische Deutsche Arbeiterpartei* (National Socialist German Workers Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by the Indictment. As will be shown, the Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of the conspiracy. And as will also be shown, each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

A. *Aims and Purposes.* The aims and purposes of the Nazi conspirators were:

(1) *To abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany.* The first major public meeting of the NSDAP took place in Munich on 24 February 1920. At that meeting Hitler publicly announced the Program of the Party. That program, consisting of 25 points (annually reprinted in the National Socialist Yearbook), was referred to as "The political foundation of the NSDAP and therewith the fundamental political law of the state," and "has remained unaltered" since the date of its promulgation. Section 2 of the Program provided as follows:

> "We demand equality of rights for the German people with respect to other nations, and abolition of the Peace Treaties of Versailles and St. Germain." (*1708-PS*)

In a speech at Munich on 13 April 1923, Hitler said:

> "It was no Peace Treaty which they have signed, but a betrayal of Peace. So long as this Treaty stands there can be no resurrection of the German people: no social reform of any kind is possible. The Treaty was made in order to bring 20 million Germans to their deaths and to ruin the German nation. But those who made the Treaty cannot set it aside. At its foundation our movement formulated three demands:

> 1. Setting aside of the Peace Treaty
> 2. Unification of all Germans
> 3. Land and soil (*Grund und Boden*) to feed our nation." (*2405-PS*)

On August 1, 1923 Hitler declared:

> "The day must come when a German government shall summon up the courage to declare to the foreign powers: 'The Treaty of Versailles is founded on a monstrous lie.' We fulfill nothing more. Do what you will! If you want battle, look for it! Then we shall see whether you can turn 70 million Germans into serfs and slaves!" (*2405-PS*; see also additional statements of Hitler contained in *2405–PS* castigating those Germans who shared responsibility for the Treaty of Versailles, viz; the "November criminals.")

In his speech of 30 January 1941 Hitler alluded to the consistency of his record concerning the aims of National Socialist foreign policy:

> "My foreign policy had identical aims. My program was to abolish the Treaty of Versailles. It is futile nonsense for the rest of the world to pretend today that I did not reveal this program until 1933 or 1935 or 1937. Instead of listening to the foolish chatter of emigrés, these gentlemen would have been wiser to read what I have written thousands of times.
>
> "No human being has declared or recorded what he wanted more than I. Again and again I wrote these words: 'The abolition of the Treaty of Versailles'. * * *" (*2541-PS*)

Similar views were expressed by other Nazi conspirators. Rosenberg stated that the lie of Germany's war guilt was the basis of the Treaties of Versailles and St. Germain. He rejected the idea of a "revision" of those Treaties and demanded outright cancellation. (*2433–PS*)

Hess, in advocating rearmament in violation of treaty restrictions, stated in 1936 that "guns instead of butter" were necessary lest "one day our last butter be taken from us." (*2426-PS*)

(2) *To acquire the territories lost by Germany as the result of the World War of 1914-1918, and other territories in Europe asserted to be occupied by so-called "racial Germans."* Section I of the Nazi Party Platform gave advance notice of the intentions of the Nazi conspirators to claim territories occupied by so-called racial Germans. It provided:

> "We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of people." (*1708-PS*)

While Rosenberg pointed out in 1922 that it was not possible at that time to designate "such European and nonEuropean territories which would be taken into consideration for colonization" he nevertheless stated that the following could be laid down as a basic objective, namely that

> "* * * German Foreign Policy must make its most important primary goal the consolidation of all Germans living closely together in Europe in one state and to secure the territory of what today is the Polish-Czech East." (*2433-PS*)

In his Reichstag speech of 20 February 1928 Hitler said:

> "The claim, therefore, for German colonial possession will be voiced from year to year with increasing vigor, possessions which Germany did not take away from other countries, and which today are virtually of no value to these powers, but appear indispensable for our own people." (*2772-PS)*

Again, in his Reichstag speech of 30 January 1939 Hitler declared:

> "The theft of the German colonies was morally unjustified. Economically, it was utter insanity. The political motives advanced were so mean that one is tempted to call them silly. In 1918, after the end of the war, the victorious Powers really would have had the authority to bring about a reasonable settlement of international problems. * * *
>
> "The great German colonial possessions, which the Reich once acquired peacefully by treaties and by paying for them, have been stolen—contrary indeed to the solemn assurance given by President Wilson, which was the basic condition on which Germany laid down her arms. The objection that these colonial possessions are of no importance in any case should only lead to their being returned to us with an easy mind." (*2773-PS*)

(3) *To acquire further territories in colonial Europe and elsewhere claimed to be required by "racial Germans" as "Lebensraum" or living space, at the expense of neighboring and other countries.* Hitler made it clear that the two objectives of the Nazi conspirators set forth above were only preliminary steps in a more ambitious plan of territorial aggrandizement. Thus he stated:

> "One must take the point of view, cooly and soberly, that it certainly cannot be the intention of Heaven to give one people fifty times as much space *(Grund und Boden)* on this earth as to another. One should not permit himself to be diverted

> in this case by political boundaries from the boundaries of eternal justice.
>
> *　　*　　*　　*　　*　　*　　*
>
> "The boundaries of 1914 do not mean anything for the future of the German nation. They did not represent either a defense of the past nor would they represent a power in the future. The German people will not obtain either its inner compactness by them, nor will its nutrition be secured by them, nor do these boundaries appear from a military standpoint as appropriate or even satisfactory. * * *" (*2760-A-PS*)

While the precise limits of German expansion were only vaguely defined by the Nazi conspirators, they clearly indicated that the *lebensraum* to which they felt they were entitled would be acquired primarily in the East. Rosenberg was particularly insistent in his declarations that Russia would have to "move over" to make way for German living space. He underlined this demand as follows:

> "The understanding that the German nation, if it is not to perish in the truest sense of the word, needs ground and soil for itself and its future generations, and the second sober perception that this soil can no more be conquered in Africa, but in Europe and first of all in the East—these organically determine the German foreign policy for centuries. (*2777-PS*)
>
> "The Russians * * * will have to confine themselves so as to remove their center of gravity to Asia." (*2426-PS*)

A similar view was expressed by Hitler in *Mein Kampf:*

> "If one wanted territory in Europe, this could be done on the whole at the expense of Russia, and the new Reich would have to set out to march over the road of the former Knights, in order to give soil to the German plow by means of the German sword, and to give daily bread to the nation." (*2760-A-PS*)

In *Mein Kampf* Hitler threatened war as a means of attaining additional space:

> "If this earth really has space (*Raum*) for all to live in, then we should be given the territory necessary. Of course, one will not do that gladly. Then, however, the right of self-preservation comes into force; that which is denied to kindness, the fist will have to take. If our forefathers had made their decisions dependent on the same pacifistic nonsense as the present, then we would possess only a third of our present territory.
>
> *　　*　　*　　*　　*　　*　　*

> "In contrast, we, National Socialists, have to hold on steadily to our foreign political goals, namely, *to secure on this earth the territory due to the German people.* And this action is the only one which will make bloody sacrifice before God and our German posterity appear justified." (*2760-A-PS*)

B. *Methods. The Nazi conspirators advocated the accomplishment of the foregoing aims and purposes by any means deemed opportune, including illegal means and resort to threat of force, force, and aggressive war.* The use of force was distinctly sanctioned, in fact guaranteed, by official statements and directives of the conspirators which made activism and aggressiveness a political quality obligatory for Party members.

Hitler stated in *Mein Kampf:*

> "* * * The lack of a great creative idea means at all times an impairment of the fighting spirit. The conviction that it is right to use even the most brutal weapons is always connected with the existence of a fanatical belief that it is necessary that a revolutionary new order of this earth should become victorious. A movement which does not fight for these highest aims and ideals will therefore never resort to the ultimate weapon."

* * * * * * *

> "* * * It is not possible to undertake a task half-heartedly or hesitatingly if its execution seems to be feasible only by expending the very last ounce of energy . . . One had to become clear in one's mind that this goal [i.e. acquisition of new territory in Europe] could be achieved by fight alone and then had to face this armed conflict with calmness and composure." (*2760-A-PS*)

In 1934 Hitler set out the duties of Party members in the following terms:

> "Only a part of the people will be really active fighters. But they were the fighters of the National Socialist struggle. They were the fighters for the National Socialist revolution, and they are the millions of the rest of the population. For them it is not sufficient to confess: 'I believe,' but to swear: *'I fight'.*" (*2775-PS)*

This same theme is expressed in the Party Organization Book:

> "The Party includes *only fighters* who are ready to accept and sacrifice everything in order to carry through the National Socialist ideology." (*2774-PS)*

At the trial of *Reichswehr* officers at Leipzig in September 1930 Hitler testified:

> "Germany is being strangled by Peace Treaties. * * * The National Socialists do not regard the Treaty as a law, but as something forced upon us. We do not want future generations, who are completely innocent, to be burdened by this. When we fight this with all means at our disposal, then we are on the way to a revolution.
>
> President of the Court: 'Even by illegal means?'
>
> Hitler: "I will declare here and now, that when we have become powerful *(gesiegt haben)*, then we shall fight against the Treaty with all the means at our disposal, even from the point of view of the world, with illegal means." (*2512-PS*)

Moreover, Hitler stated the true reason for rearmament as follows:

> "It is impossible to build up an army and give it a sense of worth if the object of its existence is not the preparation for war. Armies for the preservation of peace do not exist; they exist only for the triumphant exertion of war." (*2541-PS*)

C. *Doctrines. The Nazi conspirators adopted and published the following doctrines:*

(1) *That persons of so-called "German blood" were a master race and were accordingly entitled to subjugate, dominate, or exterminate other "races" and "peoples."* The Nazi doctrine of racial supremacy was incorporated as Point 4 in the Party Program of 24 February 1920, which provided as follows:

> "Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race." (*1708-PS*)

The Nazi conspirators' dogma of the racial supremacy of the Germanic peoples was fully elucidated in the writings of Rosenberg:

> "The meaning of world history has radiated out from the north over the whole world, borne by a blue-eyed blond race which in several great waves determined the spiritual face of the world * * *
>
> "We stand today before a definitive decision. Either through a new experience and cultivation of the old blood, coupled with an enhanced fighting will, we will rise to a purificatory action, or the last Germanic–western values of morality and state–culture shall sink away in the filthy human masses of the big cities, become stunted on the sterile burning asphalt of a bestialized inhumanity, or trickle away as a morbific

> agent in the form of emigrants bastardizing themselves in South America, China, Dutch East India, Africa.
>
> "A new faith is arising today: the myth of the blood, the faith, to defend with the blood the divine essence of man. The faith, embodied in clearest knowledge that the Nordic blood represents that mysterium which has replaced and overcome the old sacraments." (*2771-PS*)

Thus, the Nazi conspirators acclaimed the "master race" doctrine as a new religion—the faith of the blood—superseding in individual allegiance all other religions and institutions. According to Rosenberg:

> "The new thought puts folk and race higher than the state and its forms. It declares protection of the folk more important than protection of a religious denomination, a class, the monarchy, or the republic; it sees in treason against the folk a greater crime than treason against the state." (*2771-PS*; see also further excerpts from Rosenberg's writings contained in *2405-PS.)*

Illustrative of the Nazi conspirators' continued espousal and exploitation of racial dogmas following their accession to power was the discriminatory legislation which they caused to be enacted. These laws, with particular reference to Jews, are set forth in Section 7 of this Chapter on the Program for Persecution of Jews.

The logical consequence of the "master race" dogma, in its bearing on the right of Germany to dominate other "inferior" peoples and to acquire such of their territory as was considered necessary for German living space, was disclosed by the Nazi conspirators. In a speech concluding the *Reichsparteitag* at Nurnberg on 3 September 1933 Hitler said:

> "But long ago man has proceeded in the same way with his fellowman. The higher race—at first 'higher' in the sense of possessing a greater gift for organization—subjects to itself a lower race and thus constitutes a relationship which now embraces races of unequal value. Thus there results the subjection of a number of people under the will often of only a few persons, a subjection based simply on the right of the stronger, a right which, as we see it in Nature, can be regarded as the sole conceivable right because founded on reason. The wild mustang does not take upon itself the yoke imposed by man either voluntarily or joyfully; neither does one people welcome the violence of another." (*2584-PS*)

(2) *The Fuehrerprinzip (Fuehrer Principle).*

(*a*) *Essential elements.*

1. Complete and total authority is vested in the Fuehrer.

"The Fuehrer Principle requires a pyramidal organization structure in its details as well as in its entirety.

"The Fuehrer is at the top.

"He nominates the necessary leaders for the various spheres of work of the Reich's direction, the Party apparatus and the State administration." *(1814–PS)*

"He shapes the collective will of the people within himself and he enjoys the political unity and entirety of the people in opposition to individual interests.

"The Fuehrer unites in himself all the sovereign authority of the Reich; all public authority in the state as well as in the movement is derived from the authority of the Fuehrer. We must speak not of the state's authority but of the Fuehrer's authority if we wish to designate the character of the political authority within the Reich correctly. The state does not hold political authority as an impersonal unit but receives it from the Fuehrer as the executor of the national will. The authority of the Fuehrer is complete and all-embracing; it unites in itself all the means of political direction; it extends into all fields of national life; it embraces the entire people, which is bound to the Fuehrer in loyalty and obedience. The authority of the Fuehrer is not limited by checks and controls, by special autonomous bodies or individual rights, but it is free and independent, all-inclusive and unlimited.

"The Fuehrer-Reich of the (German) people is founded on the recognition that the true will of the people cannot be disclosed through parliamentary votes and plebiscites but that the will of the people in its pure and uncorrupted form can only be expressed through the Fuehrer." *(2771–PS)*

"Thus at the head of the Reich, stands a single Fuehrer, who in his personality embodies the idea which sustains all and whose spirit and will therefore animate the entire community." (*2780-PS*)

As stated in the Organization Book of the Nazi Party:

> "The will of the Fuehrer is the Party's law." (*1814-PS*)

The first commandment for the Party members declares:

> "The Fuehrer is always right." (*1814-PS*)
>
> "He (the Fuehrer) is responsible only to his conscience and the German people." (*1814-PS*)

Hess, in a speech broadcast at Cologne on 25 June 1934, characterized the position of the Fuehrer as follows:

> "It is with pride that we see that one man is kept above all criticism—that is the Fuehrer.
>
> "The reason is that everyone feels and knows: he was always right and will always be right. The National Socialism of us all is anchored in the uncritical loyalty, in the devotion to the Fuehrer that does not ask for the wherefore in the individual case, in the tacit performance of his commands. We believe that the Fuehrer is fulfilling a divine mission to German destiny! This belief is beyond challenge." (*2426-PS;* see also additional statements of the Nazi conspirators designed to condition the German people to blind acceptance of the decisions of the Fuehrer and his co-conspirators, as translated in *2373-PS.*)

2. *The Fuehrer's power descends to subleaders in a hierarchial order.* In the words of the Organization Book of the NSDAP:

> "The Party is the order of fuehrers.
>
> "All political directors *(Politische Leiter)* stand as appointed by the Fuehrer and are responsible to him. They possess full authority towards the lower echelons. (*1893-PS*)
>
> "He (The Fuehrer) nominates the necessary leaders for the various spheres of work of the Reichs' direction, the Party apparatus, and the State administration." (*1814-PS*)

The effect of this was aptly expressed by Hitler in 1933:

> "When our opponents said, 'It is easy for you: you are a dictator'—We answer them, 'No, gentlemen, you are wrong; there is no single dictator, but ten thousand, each in his own place.' And even the highest authority in the hierarchy has itself only one wish, never to transgress against the supreme authority to which it, too, is responsible." (*2771-PS*)

3. *Each subleader is bound to unconditional obedience to his immediate superior and to the Fuehrer.* As Hitler said,

> "We have in our movement developed this loyalty in following the leader, this blind obedience of which all the others know nothing and which gave to us the power to surmount everything." (*2771-PS*)

The duty of obedience is so fundamental that it is incorporated as the second of the NSDAP commandments for party members:

> "Never go against discipline!" (*2771-PS*)

As Ley said:

> "Our conscience is clearly and exactly defined. Only what Adolf Hitler, our Fuehrer, commands, allows, or does not allow is our conscience." *(2771–PS)*

The obedience required was not the loyalty of a soldier to the Fatherland, as was the case prior to the Nazi regime. On the contrary, the obedience exacted was unconditional and absolute, regardless of the legality or illegality of the order. The oath taken by political leaders *(Politische Leiter)* yearly was as follows:

> "I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Fuehrers appointed by him." (*1893-PS*)

4. *Each subleader is absolute in his own sphere of jurisdiction.* The Nazi Party Organization Book lays down the same principle with respect to the successive tiers of its leaders:

> "The Fuehrer Principle represented by the Party imposes complete responsibility on all party leaders for their respective spheres of activity * * * The responsibility for all tasks within a major sphere of jurisdiction rests with the respective leader of the NSDAP: i.e., with the Fuehrer for the territory of the Reich, the Gauleiter for the territory of the Gau, the district leader for the territory of the district, the local leader for the territory of the local group, etc.
>
> "The Party leader has responsibility for the entire territory under his jurisdiction on the one hand, and on the other hand, his own political fields of activity appertaining thereto.
>
> "This responsibility for the complete or partial performance of task entails a relationship of subordina-

> tion of the leaders among themselves, corresponding to the fuehrer principle." (*2771-PS*)

(3) *Glorification of War as a noble and necessary activity of Germans.* The Nazi conspirators disseminated dogmas designed to engender in the masses a deep reverence for the vocation of the warrior and to induce acceptance of the postulate that the waging of war was good and desirable *per se.* The motive underlying the concerted program of the Nazis to glorify war was disclosed by Hitler in *Mein Kampf:*

> "Thus the question of how to regain German power is not: How shall we manufacture arms?, but: How do we create the spirit which enables a nation to bear arms? If this spirit governs a people, the will finds thousands of ways, each of which ends with a weapon!"
>
> * * * * * * *
>
> "* * * Oppressed countries are led back into the lap of a common Reich by a mighty sword and not by flaming protests. It is the task of the inner political leaders of a people to forge this sword; to safeguard the work of the smith and to seek comrades in arms in the task of the foreign policy." (*2760-A-PS*)

Hitler's writings and public utterances are full of declarations rationalizing the use of force and glorifying war. The following are typical:

> "Always before God and the world, the stronger has the right to carry through his will. History proves it: He who has no might, has no use for might. *(2405-PS)*
>
> "The political testament of the German People for its foreign policy should and must always follow this line of thought: Never tolerate the rise of two continental powers in Europe. See in every attempt to organize a second military power, * * * an attack against Germany and take therefrom not only the right but the duty to prevent by all means, including the use of arms, the rise of such a state, respectively to destroy such a state if it has already arisen. Take care that the strength of our people should have its foundation not in colonies but in the soil of the home country in Europe. Never consider the Reich as secured as long as it cannot give to every descendant of our people his own bit of soil for centuries to come; never forget that the most sacred right on this earth is the right to own the soil which one wants to cultivate and the most sacred sacrifice, the blood which is shed for this soil." (*2760-A-PS*)

(4) *The leadership of the Nazi Party.*

(*a) The Nazi Party leadership was the sole bearer of the doctrines of the Nazi Party.* The Party Organization Book declares:

> "The Party as an instrument of ideological education, must grow to be the Leader Corps *(Fuehrer Korps)* of the German Nation.
>
> "This Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit * * *" (*1893-PS*)

> "The Party is the order of fuehrers. It is furthermore responsible for the spiritual ideological National Socialist direction of the German people." (*1814-PS*)

Referring to the mission of the *Ortsgruppenleiter* (local chapter leader) of the NSDAP, the Party Organization Book states:

> "As Hoeheitstraeger (bearer of sovereignty) all expressions of the party will emanate from him; he is responsible for the political and ideological leadership and organization within his zone of sovereignty." (*1893-PS*)

Similar statements are made with regard to the *Kreisleiter* (county leader) and the *Gauleiter* (Gau leader) and the Reich Directorate (*1893-PS*).

(b) The Nazi Party leadership was entitled to control and dominate the German state and all related institutions and all individuals therein. Hitler said at the 1935 Nurnberg Party Congress:

> "It is not the State which gives orders to us, it is we who give orders to the State." (*2775–PS*)

Frick declared in a similar vein:

> "In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party; and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is at the same time the policy adopted by the country. * * *" (*2771–PS*)

Goebbels declared:

> "The Party must always continue to represent the hierarchy of National Socialist leadership. This minority must always insist upon its prerogative to control the state. * * * It is responsible for the leadership of the state and it solemnly relieves the people of this responsibility." (*2771–PS*)

Hess remarked that the Party was a "necessity" in the German state and constituted the cohesive mechanism with which to "organize and direct offensively and defensively the spiritual and political strength of the people." (*2426–PS*)

Nazi interpreters of constitutional law expressed the same idea:

> "The NSDAP is not a structure which stands under direct state control, to which single tasks of public administration are entrusted by the state, but it holds and maintains its claim to totality as the 'bearer of the German state-idea' in all fields relating to the community—regardless of how various single functions are divided between the organization of the Party and the organization of the State." *(2771–PS)*

This doctrine was incorporated into laws which established the NSDAP as "the only political party in Germany" and declared the NSDAP "The bearer of the German state idea" and "indissolubly linked to the state." (*1388–A–PS; 1395–PS)*

(c) The Nazi Party leadership was entitled to destroy all opponents. Reference is made generally to Sections 2 and 3 on the Acquisition and Consolidation of Political Control of Germany for proof of this allegation.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO COMMON OBJECTIVES, METHODS, AND DOCTRINES OF THE CONSPIRACY

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a).	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (B, C).	I	16, 17
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
1388-A-PS	Law against the establishment of Parties, 14 July 1933. 1933 Reichsgesetzblatt, Part I, p. 479.	III	962
*1395-PS	Law to insure the unity of Party and State, 1 December 1933. 1933 Reichsgesetzblatt, Part I, p. 1016. (GB 252)	III	978
*1708-PS	The Program of the NSDAP. National Socialistic Yearbook, 1941, p. 153. (USA 255; USA 324)	IV	208

Document	Description	Vol.	Page
*1814–PS	The Organization of the NSDAP and its affiliated associations, from Organization book of the NSDAP, editions of 1936, 1938, 1940 and 1943, pp. 86–88. (USA 328)......	IV	411
*1893–PS	Extracts from Organization Book of the NSDAP, 1943 edition. (USA 323)......................	IV	529
2373–PS	Extracts from German Publications...........................	IV	1106
2405–PS	Extracts from German Publications...........................	V	79
*2426–PS	Extracts from Speeches, by Hess. (GB 253).......................	V	90
*2433–PS	Extracts from "Nature, Foundation and Aims of NSDAP" by Rosenberg, 1934.. (USA 596).....	V	93
2512–PS	Hitler's Testimony Before the Court for High Treason, published in Frankfurter Zeitung, 26 September 1931........................	V	246
2541–PS	Extracts from German Publications...........................	V	285
2584–PS	Hitler's speech concluding the Reichsparteitag, 3 September 1933. The First Reichstag of the United German Nation, 1933.	V	311
2760–A–PS	Extract from Mein Kampf by Adolf Hitler, 41st edition, 1933.....	V	407
2771–PS	U. S. State Department, National Socialism, published by U. S. Government Printing Office, 1943......	V	417
2772–PS	Speech of Hitler, published in Documents of German Politics, Vol. IV, Part I, p. 37............	V	417
2773–PS	Speech of Hitler, published in Documents of German Politics, Vol. VII, 1939, pp. 466–7.........	V	417

Document	Description	Vol.	Page
2774–PS	Extract from Organization Book of the NSDAP, 1937, 4th Edition, p. 86	V	418
*2775–PS	Hitler's speech, published in Nurnberg Party Congress, 1934. (USA 330)	V	418
*2777–PS	Article: Space Policy by Rosenberg, published in National Socialist Monthly, May 1932, p. 199. (USA 594)	V	418
2780–PS	Extract from Constitution and Administration in the Third Reich, by Paul Schmidt, Berlin, 1937	V	419
*3863–PS	Extracts from Operations in the Third Reich by Lammers. (GB 320)	VI	786

2. ACQUISITION OF TOTALITARIAN POLITICAL CONTROL

A. *First Steps in Acquiring Control of State Machinery.*

(1) *The Nazi conspirators first sought control of State machinery by force. The Munich Putsch of 1923, aimed at the overthrow of the Weimar Republic by direct action, failed.* On 8 November 1923 the so-called Munich Putsch occurred. During the evening, von Kahr, State Commissioner General of Bavaria, was speaking at the *Buergerbraeukeller* in Munich. Hitler and other Nazi leaders appeared, supported by the *Sturmabteilungen* (Storm Troops) and other fighting groups. Hitler fired a shot and announced that a Nationalist Revolution setting up a dictatorship had taken place. There followed a conference after which von Kahr, von Lossow, and Colonel of Police von Seisser, announced they would cooperate with Hitler and that a "Provisional National Government" was established, as follows:

Reich Chancellor	Adolf Hitler
Leader of the National Army	Gen. von Ludendorff
Reich Minister of War	von Lossow
Reich Minister of Police	von Seisser
Reich Finance Minister	Feder

It was also announced that Kahr would be State Administrator for Bavaria, Poehner would be Bavarian Prime Minister, and Frick would be Munich Police President. Kahr, Lossow and Seisser then departed. During the night the latter group alerted the police, brought troops to Munich, and announced that their consent to the Putsch had been obtained by force. On the afternoon of the next day, Hitler, Ludendorff, and their supporters attempted to march into the center of Munich. At the *Feldherrnhalle* the procession met a patrol of police, shots were exchanged, and men on both sides were killed. Hermann Goering was wounded, the Putsch was broken up, the Party and its organization were declared illegal, and its leaders, including Hitler, Frick, and Streicher were arrested. Rosenberg, together with Amann and Drexler, tried to keep the Party together after it had been forbidden. Hitler and others later were tried for high treason. At the trial Hitler admitted his participation in the foregoing attempt to seize control of the State by force. He was convicted and sentenced to imprisonment. *(2532–PS; 2404–PS)*

(2) *The Nazi Conspirators then set out through the Nazi Party to undermine and capture the German Government by "legal" forms supported by terrorism.*

(a) In 1925, the conspirators reorganized the Nazi Party and began a campaign to secure support from Germany voters throughout the nation. On 26 February 1925, the *Voelkischer Beobachter,* the official newspaper of the National Socialist German Worker's Party (NSDAP) appeared for the first time after the Munich Putsch, and on the following day Hitler made his first speech after his release from prison. He then began to rebuild the Party organization. The conspirators, through the Nazi Party, participated in election campaigns and other political activity throughout Germany and secured the election of members of the Reichstag. (*2532–PS*)

As a reflection of this activity the Nazi Party in May 1928, received 2.6% of the total vote and obtained 12 out of 491 seats in the Reichstag. In September 1930, the Nazi Party polled 18.3% of the total vote and won 107 out of 577 seats in the Reichstag. In July 1932, it received 37.3% of the total vote cast and won 230 out of 608 seats. In November 1932, it polled 33.1% of the vote and won 196 out of 584 seats in the Reichstag. (*2514–PS*)

(b) The Nazi conspirators asserted they sought power only by legal forms. In November 1934, Hitler, speaking of the Munich Putsch of 1923 said:

> "It gave me the opportunity to lay down the new tactics of the Party and to pledge it to legality". (*2741–PS*)

In September 1931, three officers of the *Reichswehr* were tried at Leipzig for high treason. At the request of Hans Frank, Hitler was invited to testify at this trial that the NSDAP was striving to attain its goal by purely legal means. He was asked: "How do you imagine the setting up of a Third Reich?" His reply was, "This term only describes the basis of the struggle but not the objective. We will enter the legal organizations and will make our Party a decisive factor in this way. But when we do possess constitutional rights then we will form the State in the manner which we consider to be the right one." The President then asked: "This too by constitutional means?" Hitler replied: "Yes." (*2512-PS*)

(c) The purpose of the Nazi conspirators in participating in elections and in the Reichstag was to undermine the parliamentary system of the Republic and to replace it with a dictatorship of their own. This the Nazi conspirators themselves made clear. Frick wrote in 1927:

> "There is no National Socialist and no racialist who expects any kind of manly German deed from that gossip club on the Koenigsplatz and who is not convinced of the necessity for direct action by the unbroken will of the German people to bring about their spiritual and physical liberation. But there is a long road ahead. After the failure of November, 1923, there was no choice but to begin all over again and to strive to bring about a change in the spirit and determination of the most valuable of our racial conrades, as the indispensable prerequisite for the success of the coming fight for freedom. Our activities in parliament must be evaluated as merely part of this propaganda work.
>
> "Our participation in the parliament does not indicate a support, but rather an undermining of the parliamentarian system. It does not indicate that we renounce our anti-parliamentarian attitude, but that we are fighting the enemy with his own weapons and that we are fighting for our National Socialist goal from the parliamentary platform." (*2742–PS*)

On 30 April 1928, Goebbels wrote in his paper *"Der Angriff"*;

> "We enter parliament in order to supply ourselves, in the arsenal of democracy, with its own weapons. We become members of the Reichstag in order to paralyze the Weimar sentiment with its own assistance. If democracy is so stupid as to give us free tickets and *per diem* for the this "blockade" *(Barendienst)*, that is its own affair."

Later in the same article he continued:

> "We do not come as friends, nor even as neutrals. We come

> as enemies: As the wolf bursts into the flock, so we come." (*2500–PS*)

In a pamphlet published in 1935, Goebbels said:

> "When democracy granted democratic methods for us in the times of opposition, this was bound to happen in a democratic system. However, we National Socialists never asserted that we represented a democratic point of view, but we have declared openly that we used democratic methods only in order to gain the power and that, after assuming the power, we would deny to our adversaries without any consideration the means which were granted to us in the times of opposition. (*2412–PS*)

A leading Nazi writer on Constitutional Law, Ernst Rudolf Huber, later wrote of this period:

> "The parliamentary battle of the NSDAP had the single purpose of destroying the parliamentary system from within through its own methods. It was necessary above all to make formal use of the possibilities of the party-state system but to refuse real cooperation and thereby to render the parliamentary system, which is by nature dependent upon the responsible cooperation of the opposition, incapable of action." (*2633–PS*)

The Nazi members of the Reichstag conducted themselves as a storm troop unit. Whenever representatives of the government or the democratic parties spoke, the Nazi members marched out in a body in studied contempt of the speaker, or entered in a body to interrupt the speaker, thus making it physically impossible for the Reichstag President to maintain order. In the case of speakers of opposition parties, the Nazi members constantly interrupted, often resorting to lengthy and spurious parliamentary maneuvers, with the result that the schedule of the session was thrown out of order. The tactics finally culminated in physical attacks by the Nazis upon members of the house as well as upon visitors. (*L-83*)

In a letter of 24 August 1931 to Rosenberg, Hitler deplored an article in "*Voelkischer Beobachter*" the effect of which was to prevent undermining of support for the then existing form of government, and said: "I myself am travelling all over Germany to achieve exactly the opposite. (*047–PS*)

(d) The Nazi conspirators supported their "legal" activities by terrorism.

1. The Nazi conspirators created and utilized as a Party formation the Sturmabteilungen (SA) a semi-military voluntary organization of young men trained for and com-

mitted to the use of violence, whose mission was to make the Party the master of the streets. The SA was organized in 1921. As indicated by its name, it was a voluntary organization of young men trained for and committed to the use of violence. To quote from a pamphlet compiled on order of the Supreme SA Headquarters:

> "The SA was not founded as one forms just any sort of club. It was born in midst of strife and received from the Fuehrer himself the name "Storm Troops" after that memorable hall battle in Hofbraeuhaus at Munich on the 4th of November 1921. * * * Blood and sacrifice were the most faithful companions of the young SA on its hard path to power. The Storm Troops were and still are today the fist and propaganda arm of the movement". *(2168-PS)*

It was organized along semi-military lines from the beginning. To quote again from the same official pamphlet:

> "It is one of the greatest historical services of the SA that at the time when the German People's Army had to undergo a dissolution, it held high those virtues which marked the German soldier: personal courage, idealism, willingness to sacrifice, consciousness of responsibility, power to decide, and leadership. Thus, the SA became among the people the messenger and bearer of German armed strength and German armed spirit.
>
> "The 4th of November 1921 was not only the birth hour of the SA by itself, but was the day from which the young fighting troop of the Movement took its stand at the focal point of political events. With the clear recognition that now the unity (*Geschlossenheit*) of a troop led to victory, the SA was systematically reorganized and so-called "Centuries" *(Hundertschaften)* were established * * *" *(2168–PS)*

In March 1923, Goering took command of the entire SA. In November 1923, SA units were used in the Munich Putsch. When the Party was reorganized in 1925, the SA continued to be the fighting organization of the Party. Again to quote the official pamphlet on the SA:

> "And now a fight for Germany began of such a sort as was never before fought. What are names, what are words or figures which are not indeed able to express the magnitude of belief and of idealism on one side and the magnitude of hate on the other side.

> 1925: the Party lives again, and its iron spearhead is the SA. With it the power and meaning of the National Socialist movement grows. Around the central events of the whole Movement, the Reich Party Days, dates, decisions, fights and victory roll themselves into a long list of German men of undenying willingness to sacrifice." *(2168-PS)*

Mastery of the streets was at all times the mission of the SA. While discussing his ideas as to the part which this organization should play in the political activity of his Party, Hitler stated:

> "What we needed and still need were and are not a hundred or two hundred reckless conspirators, but a hundred thousand and a second hundred thousand fighters for our philosophy of life. We should not work in secret conventicles, but in mighty mass demonstrations, and it is not by dagger and poison or pistol that the road can be cleared for the movement but by the conquest of the streets. We must teach the Marxists that the future master of the streets is National Socialism, just as it will some day be the master of the state." *(404-PS)*

To quote again from the official SA pamphlet:

> "Possession of the streets is the key to power in the state—for this reason the SA marched and fought. The public would have never received knowledge from the agitative speeches of the little Reichstag faction and its propaganda or from the desires and aims of the Party, if the martial tread and battle song of the SA companies had not beat the measure for the truth of a relentless criticism of the state of affairs in the governmental system. * * *
>
> "The SA conquered for itself a place in public opinion and the leadership of the National Socialist Movement dictated to its opponents the law for quarrels. The SA was already a state within a state; a part of the future in a sad present." *(2168-PS;* for further material concerning the SA, see Section 4 of Chapter XV.)

2. The Nazi conspirators constantly used physical violence and terror to break up meetings of political opponents, and to suppress opposition in their own meetings. The following facts are indicative of the methods constantly used by the Nazi conspirators during this period: On numerous occasions meetings of the *Duetsche Friedensgesellschaft*

(Peace Society) were broken up and terrorized by shock troops and SA units. Groups of National Socialists invaded meetings of the society, interrupted the speaker, attempted to attack him, and endeavored to make sufficient disturbance so that the meetings would have to be cancelled. (*L-83*)

To quote once again from the official SA pamphlet:

> "* * * As an example of a seemingly impossible deed, the 11th of February 1927 should be firmly preserved. It is the day on which the SA broke the Red Terror, with heavy sacrifice, in the hall battle at the Pharoah's Hall *(Pharussaelen)* in Berlin, the stronghold of the Communists, and thereby established itself decisively in the capitol city of the Reich. In considering the badly wounded SA men, Dr. Goebbels coined the phrase "unknown SA Man", who silently fights and bleeds, obeying only his duty." (*2168-PS*)

In Berlin, under the leadership of Goebbels, so-called *Rollkommandos* were organized for the purpose of disrupting political meetings of all non-Nazi groups. These *Rollkommandos* were charged with interrupting, making noise, and unnerving the speaker. Finally the Nazis broke up meetings by *Rollkommando* raids. In many cases, fights resulted, during which furniture was destroyed and a number of persons hurt. The Nazis armed themselves with blackjacks, brass knuckles, rubber truncheons, walking sticks, and beer bottles. After the Reichstag election of 1930, Nazi terrorism became more overt, and from then on scarcely a day went by when the Chief of the Security Police in Berlin did not receive a minimum of five to ten reports, and often more, of riots instigated by Nazis. (*2955-PS*)

During the campaign for the Reichstag election of 14 September 1930, Nazi conspirators made it a practice to send speakers accompanied by many Storm Troopers to meetings of other political parties, often physically taking over the meetings. On one such occasion a large detachment of Storm Troopers, some of whom were armed with pistols and clubs, attended a meeting called by the Social Democratic Party, succeeded in forcibly excluding everybody not in sympathy with their views, and concluded the meeting as their own. Such violent tactics, repeated many times, were an integral part of the political creed of the Nazi. (*L-83*)

Ultimately, in Berlin, just before the Nazis seized power, it was necessary to devote the entire Police Force to the job of fighting the Nazis, thus leaving little time for other Police duties. (*2955-PS*)

3. The Nazi conspirators constantly threatened their opponents with organized reprisals and terror. During the course of the trial of three officers of the *Reichswehr* for high treason in Leipzig in September 1931, Hitler said:

> "But I may assure you that if the Nazi movement's struggle is successful, then there will be a Nazi Court of Law too, the November 1918 revolution will be atoned, and there'll be some heads chopped off." (*2512-PS*)

Frick wrote in the National Socialist Yearbook for 1930:

> "No wonder that as the situation of the entire German people, as well as that of the individual racial comrade, grows rapidly worse, increased numbers are realizing the incompetence of the parliamentarian system, and no wonder that even some who are responsible for the present system desperately cry for a dictatorship. This however, will not save them from their fate of one day being called to account before a German State Tribunal." (*2743-PS*)

On 7 October 1929, the National Socialist District leader Terboven said in a meeting in Essen:

> "This weakness is especially known to Severing, who symbolizes the present State, and he intends to render a service to the State, which is breathing its last; but this too will no longer save the present corrupt parliamentarian system. * * * But I give such a dictatorship only four weeks. Then the people will awaken, then the National Socialists will come to power, and then there will not be enough lamp posts in Germany.
>
> "The National Socialists will march into the new Reichstag with thirty members; then there will be black eyes every day in this Reichstag; thus this corrupt parliamentarian system will be further discredited; disorder and chaos will set in, and then the National Socialists will judge the moment to have arrived in which they are to seize the political power." (*2513-PS*)

On 18 October 1929, Frick, while discussing the Young Plan in a meeting in Pyritz said:

> "This fateful struggle will first be taken up with the ballot, but this cannot continue indefinitely, for history has taught us that in a battle, blood must be shed, and iron broken. The ballot is the beginning of this fateful struggle. We are determined to promulgate by force that which we preach. Just as Mussolini exterminated the Marxists in Italy, so must we also succeed in accomplishing the same through dictatorship and terror." (*2513-PS*)

In December 1932, Frick, at that time Chairman of the Foreign Affairs Committee of the Reichstag, stated to a fellow member of that committee:

> "Don't worry, when we are in power we shall put all of you guys into concentration camps." (*L-83*)

4. *The Nazi conspirators openly approved acts of terrorist committed by their subordinates.* On 22 August 1932, five National Socialists were condemned to death for a murder in the town of Potempa. Hitler wired to the condemned men:

> "My Comrades! Faced with this terrible blood sentence, I feel myself bound to you in unlimited faithfulness. Your liberty is from this moment a question of our honor. To fight against a Government under which such a thing could happen is our duty." (*2532-PS; 2511-PS*)

Goering, two days later sent the following telegram to the condemned men:

> "In nameless embitterment and rage against the terror sentence which has struck you, I promise you, My Comrades, that our whole fight from now on will be for your freedom. You are no murderers. You have defended the life and the honor of your Comrades. I send to your families today 1,000 Marks which I have received from your friends. Be courageous. More than 14,000,000 of the best Germans have made your interest their own." (*2634-PS*)

On 2 September 1932, the death sentences were commuted to imprisonment for life. In 1933, after the Nazis came into power, the five were set free (*2532-PS*)

Soon after coming to power the Nazi conspirators took steps to grant a general amnesty for all unlawful acts, including acts of violence, committed by their adherents in the course of their struggle for power. On 21 March 1933 a decree was promulgated, signed by von Hindenburg,

> Hitler, Frick, and von Papen granting amnesty "For penal acts committed in the national revolution of the German People, in its preparation or in the fight for the German soil". (*2059-PS*)

B. *Control Acquired*

(1) *On 30 January 1933, Hitler became Chancellor of the German Republic.*

(2) *After the Reichstag fire of 28 February 1933, clauses of the Weimar Constitution guaranteeing personal liberty and freedom of speech, of the press, of association and assembly, were suspended.* The Weimar Constitution contained certain guarantees as to personal freedom (Article 114), as to inviolability of the home (Article 115), and as to the secrecy of letters and other communications (Article 117). It also had provisions safeguarding freedom of speech and of the press (Article 118), and of assembly (Article 123), and of association (Article 124). The Reich President was authorized, "if public safety and order in the German Reich are considerably disturbed or endangered," to take steps to suspend "the Fundamental Rights" established in Articles 114, 115, 117, 118, 123, 124, and 153. (Article 48 (2)). (*2050-PS*)

On 28 February 1933, the Nazi conspirators, taking as their excuse a fire which had just destroyed the Reichstag building, caused to be promulgated a Decree of the Reich President suspending the constitutional guarantees of freedom. This decree, which purported to be an exercise of the powers of the Reich President under Article 48 (2) of the Constitution, and which was signed by the Reich President, Hindenburg, the Reich Chancellor, Hitler, the Reich Minister of the Interior, Frick, and the Reich Minister of Justice, Guertner, provided in part:

> "Sections 114, 115, 117, 118, 123, 124, and 153 of the Constitution of the German Reich are suspended until further notice. Thus, restrictions on personal liberty, on the right of free expression of opinion, including freedom of the press, on the right of assembly and the right of association, and violations of the privacy of postal, telegraphic, and telephonic communications, and warrants for house-searchers, orders for confiscations as well as restrictions on property, are also permissible beyond the legal limits otherwise prescribed." *(1390–PS)*

(3) *The Nazi conspriators secured the passage by the Reichstag of a "Law for the Protection of the People and the Reich",*

giving Hitler and the members of his then Cabinet plenary powers of legislation. At the first meeting of Hitler's Cabinet on 30 January 1933, passage of an Enabling Law *(Ermaechtigungsgesetz)* was discussed, and suppression of the Communist Party was considered as a means for securing the majority requisite for this and other purposes. *(351–PS)* Since such a law involved a change in the Constitution it was governed by Article 76 of the Weimar Constitution which provided: "The Constitution may be amended by law. The acts of the Reichstag amending the Constitution can only take effect if two-thirds of the regular number of members are present and at least two-thirds of those present consent." (*2050-PS*) At the first meeting of the Hitler Cabinet on 30 January 1933, both Hitler and Goering favored early dissolution of the Reichstag and new elections in an effort to achieve a majority for the new Cabinet. (*351-PS*) This course was followed and new elections for the Reichstag were held on 5 March 1933, at which 288 Nazi were elected out of 647 members *(2514–PS*).

Taking advantage of the Presidential decree of 28 February 1933 suspending constitutional guarantees of freedom, Goering and other Nazi conspirators immediately caused a large number of Communists, including party officials and Reichstag deputies, and a smaller number of Social Democratic officials and deputies to be placed in "protective custody". *(2324–PS; 2573–PS; L–83)* Thus all Communist deputies and a number of Social Democratic deputies were prevented from attending the new session of the Reichstag. On 9 March 1933, Frick announced that the Communists would be prevented from participating in the first session of the Reichstag on March 21st, because of their being more usefully occupied. *(2403–PS)* As Frick cynically stated:

> "When the Reichstag meets the 21st of March, the Communists will be prevented by urgent labor elsewhere from participating in the session. In concentration camps they will be re-educated for productive work. We will know how to render harmless permanently sub-humans who do not want to be re-educated." (*2651-PS*)

At a meeting of the Reich Cabinet on 15 March 1933, the problem of securing the necessary two-thirds majority in favor of an Enabling Act was again considered. Frick stated his belief that the Act would have to be broadly conceived, in a manner to allow for any deviation from the clauses of the Constitution of the Reich. Goering thought the two-thirds majority would be forthcoming and that if necessary some of the Social Democrats could be excluded from the room during the voting. (*2962-PS*)

At a meeting of the Cabinet on 20 March 1933, there was further discussion of means for securing the majority and quorum necessary to secure passage of the Act (*2963-PS*). On 23 March, Hitler spoke in favor of an Enabling Law proposed by the Nazi conspirators and in the course of the debate said:

> "The Government insists on the passage of this law. It expects a clear decision in any case. It offers to all the Parties in the Reichstag the possibility of a peaceful development and a possible conciliation in the future. But it is also determined to consider a disapproval of this law as a declaration of resistance. It is up to you, gentlemen, to make the decision now. It will be either peace or war." (*2652-PS*)

Thus subject to the full weight of Nazi pressure and terror, the Reichstag passed the proposed law, 441 deputies voting in its favor, and 94 Social Democrats being opposed (*2579-PS*). The following day, the law was promulgated. It provided:

> "The Reichstag has resolved the following law, which is, with the approval of the Reichsrat, herewith promulgated, after it has been established that the requirements have been satisfied for legislation altering the Constitution.
>
> "SECTION 1. Reich laws can be enacted by the Reich Cabinet as well as in accordance with the Procedure established in the Constitution. This applies also to the laws referred to in article 85, paragraph 2, and in article 87 of the Constitution.
>
> "SECTION 2. The national laws enacted by the Reich Cabinet may deviate from the Constitution so far as they do not affect the position of the Reichstag and the Reichsrat. The powers of the President remain undisturbed.
>
> "SECTION 3. The national laws enacted by the Reich Cabinet are prepared by the Chancellor and published in the Reichsgesetzblatt. They come into effect, unless otherwise specified, upon the day following their publication. Articles 68 to 77 of the Constitution do not apply to the laws enacted by the Reich Cabinet.
>
> "SECTION 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation. The Reich Cabinet is empowered to issue the necessary provisions for the execution of these treaties.
>
> "SECTION 5. This law becomes effective on the day of its publication. It becomes invalid on April 1, 1937; it further

> becomes invalid when the present Reich Cabinet is replaced by another." *(2001–PS)*

The time limit stated in the law was twice extended by action of the Reichstag and once by decree of Hitler. (*2047-PS; 2048-PS; 2103-PS*)

On 29 June 1933, Dr. Hugenberg resigned as Reich Minister of Economy and as Reich Minister for Food and Agriculture (*351-PS*). Thereafter, other members of the Cabinet resigned from time to time, and new members were added. The Reich Cabinet continued to exercise, on numerous occasions the plenary powers conferred on it by the law of 24 March 1933. (See Section 3 of Chapter XV for further material on the Reich Cabinet.)

(4) *The Nazi conspirators caused all political parties, except the Nazi Party, to be prohibited.* After the Reichstag fire of 27 February 1933, the organization of the Communist Party was destroyed. On 9 March 1933, the Reich Minister of the Interior, Frick, announced that the Communists would be prevented from taking part in the opening of the Reichstag on 21 March 1933, because of their seditious activity. On 26 May 1933, a law was promulgated, signed by Hitler and Frick, providing for the confiscation of Communist property. *(2403–PS; 1396–PS)*

After suspension of the Constitutional guarantees of freedom on 28 February 1933, numerous restraints were imposed on the Social Democratic Party, including the arrest of a number of its leaders and Reichstag deputies. The backbone of this Party was broken by the occupation of the trade union buildings and the smashing of free trade unions in May 1933. On 22 June 1933, the Social Democratic Party was suppressed in Prussia (*2403-PS*). On 7 July 1933 a Reich decree eliminated Social Democrats from the Reichstag and from the governing bodies of Provinces and Municipalities. *(2058–PS)*

On 14 July 1933, provisions of the Law of 26 May 1933 confiscating Communist property were made applicable to assets and interests of the Social Democratic Party and its affiliated organizations, "and also to assets and interests which are used or destined to promote Marxist or other activities found by the Reich Minister of the Interior to be subversive to people and state." *(1388–PS)* Faced with similar pressure, the other German Parties either dissolved or combined with the Nazis (*2403-PS*).

The Nazi conspirators then promulgated a law declaring the Nazi Party to be the only political party in Germany and making it criminal to maintain any other political party or to form a new political party. This law, which was signed by Hitler, Frick, and Guertner, provided in part:

> "Art. 1
> The National Socialist German Worker's Party *(Nationalsozialistische Deutsche Arbeiterpartei)* constitutes the only political party in Germany.
>
> "Art. 2
> Whoever undertakes to maintain the organizational structure of another political party or to form a new political party will be punished with penal servitude up to three years or with imprisonment of from six months to three years, if the deed is not subject to a greater penalty according to other regulations." (*1388-PS*)

In a speech on 6 July 1933 Hitler stated:

> "The political parties have finally been abolished. This is a historical occurrence, the meaning and implication of which one cannot yet be fully conscious of. Now, we must set aside the last vestige of democracy, particularly the methods of voting and making majority decisions which today are used in local governments, in economic organizations and in labor boards; in its place we must validate the responsibility of the individual. The achievement of external power must be followed by the inner-education of the people * * *"

Later in the same speech, Hitler said:

> "The Party has become the State. All power lies with the Reich Authorities." (*2632-PS*)

(5) *The Nazi conspirators caused the Nazi Party to be established as a para-governmental organization with extensive and extraordinary privileges.* On 1 December 1933 the Reich Cabinet promulgated a law designed for "Securing the Unity of Party and State". It was signed by Hitler and Frick, and provided:

> "Art 1
> 1. After the victory of the National Socialistic Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the state.
> 2. It will be a part of the public law. Its organization will be determined by the Fuehrer.
>
> "Art. 2
> The deputy of the Fuehrer and the Chief of Staff of the SA will become members of the Reichs government in order to

insure close cooperation of the offices of the party and SA with the public authorities.

"Art. 3

1. The members of the National Socialistic German Labor Party and the SA (including their subordinate organizations) as the leading and driving force of the National Socialist State will bear greater responsibility toward Fuehrer, people and state.

2. In case they violate these duties, they will be subject to special jurisdiction by party and state.

3. The Fuehrer may extend these regulations in order to include members of other organizations.

"Art. 4

Every action or neglect on the part of members of the SA (including their subordinate organizations) attacking or endangering the existence, organization, activity or reputation of the National Socialistic German Labor Party, in particular any infraction against discipline and order, will be regarded as a violation of duty.

"Art. 5

Custody and arrest may be inflicted in addition to the usual penalties.

"Art. 6

The public authorities have to grant legal and administrative assistance to the offices of the Party and the SA which are entrusted with the execution of the jurisdiction of the Party and SA.

"Art. 7

The law regarding the authority to inflict penalties on members of the SA and SS, of the 28 April 1933 (RGBl, p. 230), will be invalidated.

"Art. 8

The Reichs Chancellor, as Fuehrer of the National Socialistic German Labor Party and as the supreme commander of SA will issue the regulation necessary for the execution and augmentation of this law, particularly with respect to the organization and procedure of the Jurisdiction of the Party and SA. He will determine the time at which the regulations concerning this jurisdiction will be effective." (*1395-PS*)

Thus the Nazi Party became a para-governmental organization in Germany.

The Nazi conspirators granted the Nazi Party and its components extensive and extraordinary privileges. On 19 May 1933, they passed a law to protect and insure respect for Party symbols (*2759-PS*). On 20 December 1934 the Nazi conspirators caused a law to be promulgated, signed by Hitler, Guertner, Hess, and Frick, making it a crime to make false or grievous statements to injure the prestige of the Government of the Reich, the NSDAP, or its agencies. This law also declared it to be a crime to wear the uniform or the insignia of the NSDAP without authority to do so, and controlled the manufacture and sale of Party uniforms, flags, and insignia (*1393-PS*). A decree of 29 March 1935, defining the legal status of the NSDAP and of its components and affiliated organizations, is a further indication of the extraordinary privileges enjoyed by the Nazi Party. (*1725-PS*)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ACQUISITION OF TOTALITARIAN POLITICAL CONTROL

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a).	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (D) 1, 2.	I	17, 18
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		

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*047–PS	Letter to Rosenberg signed by Hitler, 24 August 1931. (USA 725)	III	82
*351–PS	Minutes of First Meeting of Cabinet of Hitler, 30 January 1933. (USA 389)	III	270
*404–PS	Excerpts from Hitler, Mein Kampf, pp. 456, 475. (USA 256)	III	385
1388–PS	Law concerning confiscation of Property subversive to People and State, 14 July 1933. 1933 Reichsgesetzblatt, Part I, p. 479	III	962
1388–A–PS	Law against the establishment of Parties, 14 July 1933. 1933 Reichsgesetzblatt, Part I, p. 479	III	962
1390–PS	Decree of the Reich President for the Protection of the People and State, 28 February 1933. 1933 Reichsgesetzblatt, Part I, p. 83	III	968
1393–PS	Law on treacherous attacks against State and Party, and for the Protection of Party Uniforms, 20 December 1934. 1934 Reichsgesetzblatt, Part I, p. 1269	III	973
*1395–PS	Law to insure the unity of Party and State, 1 December 1933. 1933 Reichsgesetzblatt, Part I, p. 1016. (GB 252)	III	978
1396–PS	Law concerning the confiscation of Communist property, 26 May 1933. 1933 Reichsgesetzblatt, Part I, p. 293	III	979
1725–PS	Decree enforcing law for securing the unity of Party and State, 29 March 1935. 1935 Reichsgesetzblatt, Part I, p. 502	IV	224
2001–PS	Law to Remove the Distress of People and State, 24 March 1933. 1933 Reichsgesetzblatt, Part I, p. 141	IV	638

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2047-PS	Law for the extension of the law concerning the removal of the distress of People and Reich, 30 January 1937. 1937 Reichsgesetzblatt, Part I, p. 105	IV	660
2048-PS	Law for the extension of the law concerning the removal of the distress of the People and Reich, 30 January 1939. 1939 Reichsgesetzblatt, Part I, p. 95	IV	660
2050-PS	The Constitution of the German Reich, 11 August 1919. 1919 Reichsgesetzblatt, Part I, p. 1383	IV	662
2058-PS	Decree for the securing of the State Leadership, 7 July 1933. 1933 Reichsgesetzblatt, Part I, p. 462	IV	699
2059-PS	Decree of the Reich President relating to the granting of Amnesty, 21 March 1933. 1933 Reichsgesetzblatt, Part I, p. 134	IV	701
2103-PS	Decree of Fuehrer on Cabinet Legislation, 10 May 1943. 1943 Reichsgesetzblatt, Part I, p. 295	IV	729
*2168-PS	Book by SA Sturmfuehrer Dr. Ernst Bayer, entitled "The SA", depicting the history, work, aim and organization of the SA. (USA 411)	IV	772
*2324-PS	Extracts from Reconstruction of a Nation, by Hermann Goering, 1934. (USA 233)	IV	1033
2403-PS	The End of the Party State, from Documents of German Politics, Vol. I, pp. 55-56	V	71
2404-PS	Report of Hitler's speech in his own defense, published in The Hitler Trial (1934)	V	73
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2511–PS	Statement by Hitler from Voelkischer Beobachter, 24 August 1932.	V	246
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*2513–PS	Extract from The National Socialist Workers' Party as an Association Hostile to State and to Republican Form of Government and Guilty of Treasonable Activity. (USA 235)................	V	252
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2651–PS	Statement by Frick from Voelkischer Beobachter, 14 March 1933.	V	359

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2742–PS	Passage written by Frick in National Socialist Yearbook, 1927, p. 124...........................	V	833
2743–PS	Passage written by Frick in National Socialist Yearbook, 1930, p. 178...........................	V	383
2759–PS	Law for the protection of Nationalist Symbols, 19 May 1933. 1933 Reichsgesetzblatt, Part I, p. 285....	V	394
*2955–PS	Affidavit of Magnus Heimannsberg, 14 November 1945, referring to SA and other Nazi groups posted at polling places. (USA 755)...........................	V	659
*2962–PS	Minutes of meeting of Reich Cabinet, 15 March 1933. (USA 578)...	V	669
*2963–PS	Minutes of meeting of Reich Cabinet, 20 March 1933. (USA 656)...	V	670
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).........	V	801
*3740–PS	Affidavit of Franz Halder, 6 March 1946. (USA 779)................	VI	635
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3. CONSOLIDATION OF TOTALITARIAN POLITICAL CONTROL

Between the Accession to Power (early 1933) and the Outbreak of the War (late 1939) the Nazi Conspirators Consolidated Their Control of Germany by Utilizing and Molding Its Political Machinery to Their Own Ends.

A. *The Nazi conspirators reduced the Reichstag to an impotent body of their own appointees.* Under the Weimar Constitution of the German Reich, adopted by the German people on 11 August 1919, the Reichstag was a representative parliamentary body with broad legislative powers. Article 20 provided that the Reichstag should be "composed of the delegates of the German people." Article 68 of the Chapter on Legislation provided that:

> "Bills are introduced by the government of the Reich or by members of the Reichstag. Reich laws shall be enacted by the Reichstag." (*2050-PS*)

In *Mein Kampf* Hitler stated the conspirators' purpose to undermine the Reichstag:

> "Our young movement in essence and structure is anti-parliamentarian, i.e., it rejects majority voting as a matter of principle as well as in its own organization * * * Its participation in the activities of a parliament has only the purpose to contribute to its destruction, to the elimination of an institution which we consider as one of the gravest symptoms of decay of mankind * * *" (*2883-PS*).

With the passage of the Law for the Protection of the People and the Reich (also known as the Enabling Act) the Nazi succeeded, in effect, in depriving the Reichstag of its legislative functions. The legislative as well as the executive powers of the government were concentrated in Hitler and the Cabinet (*2001-PS;* the legislative activities of the Cabinet *(Reichsregierung)* and its power to contravene constitutional limitations are treated in Section 3 of Chapter XV).

During the period from March 1933 until the beginning of 1937, the Reichstag enacted only four laws: The Reconstruction Law of 30 January 1934 and the three Nurnberg laws of 15 September 1935. The Reichstag was retained chiefly as a sounding board for Hitler's speeches. All other legislation was enacted by the Cabinet, by the Cabinet ministers, or by decree of the Fuehrer (*2481-PS*). Hess has admitted the lack of importance of the Reichstag in the legislative process after 1933. (*2426-PS*)

Hitler indicated in a 1939 decree that the Reichstag would be permitted to enact only such laws as he, in his own judgment, might deem appropriate for Reichstag legislation. (*2018-PS*)

Immediately after the Nazis acquired the control of the central government they proceeded systematically to eliminate their opponents. First they forced all other political parties to dissolve, and on 14 July 1933 issued a decree making illegal the existence of any political party except the Nazi Party. (*1388-PS*)

In early 1935 there were 661 delegates in the Reichstag. Of this number 641 were officially registered as Nazi party members and the remaining 20 were classified as "guests" *(Gaeste)*. (*2384-PS*; *2380-PS*)

B. *The Nazi conspirators curtailed the freedom of popular elections throughout Germany.* Under the Weimar Republic there existed constitutional and legislative guarantees of free popular elections. The Weimar Constitution guaranteed the universal, equal and secret ballot and proportional representation. *(2050-PS)* These general principles were implemented by the provisions of the Reich Election Law of 1924, particularly with respect to the multiple party system and the functioning of proportional representation. (*2382-PS*)

In *Mein Kampf* Hitler stated the conspirators' purpose to subvert the system of popular election:

> "Majority can never replace men. * * * The political understanding of the masses is not sufficiently developed to produce independently specific political convictions and to select persons to represent them." (*2883-PS*)

The occasional national elections after 1933 were formalities devoid of freedom of choice. Bona fide elections could not take place under the Nazi system. The basic ideological doctrine of the *Fuehrerprinzip* (Leadership Principle) dictated that all subordinates must be appointed by their superiors in the governmental hierarchy. In order to insure the practical application of this principle the Nazis immediately liquidated all other political parties and provided criminal sanctions against the formation of new parties. (For further discussion see Section 2 on the Acquisition of Totalitarian Political Control.)

Although the Reichstag, unlike all other elective assemblies in Germany, was allowed to continue in existence, elections no longer involved a free choice between lists or candidates. At these elections there were usually large bands of uniformed Nazis surrounding the polls and intimidating the voters. (*2955-PS*)

The surreptitious marking of ballots (e.g. with skimmed milk) was also customary, to ascertain the identity of the persons who cast "No" or invalid votes. (*R-142*)

Although it had already become practically impossible to have more than one list of candidates, it was specifically provided by law in 1938 that only one list was to be submitted to the electorate. (*2355-PS*)

By the end of this period, little of substance remained in the election law. In an official volume published during the war there are reprinted the still effective provisions of the law of 1924. The majority of the substantive provisions have been marked "obsolete" *(gegenstandslos) (2381–PS).*

The comprehensive Nazi program for the centralization of German government included in its scope the whole system of regional and local elections, which soon ceased to exist. Article 17 of the Weimar Constitution had required a representative form of government and universal, secret elections in all Laender and municipalities *(2050–PS).* Yet in early 1934, the sovereign powers *(Hoheitsrechte)* of the Laender were transferred by law to the Reich, and the Land governments were placed under the Reich control:

> "The popular assemblies *(Volksvertretungen)* of the Laender shall be abolished." (*2006-PS*)

Pursuant to the German Communal Ordinance of 30 January 1935, the mayors and executive officers of all municipalities received their appointments "through the confidence of Party and State" (Article 6 (2)). Appointments were made by Reich authorities from lists prepared by the Party delegates (Article 41). City councillors were selected by the Party delegates in agreement with the mayors (Article 51 (1)). *(2008–PS)*

C. *The Nazi conspirators transformed the states, provinces, and municipalities into what were, in effect, mere administrative organs of the central government.* Under the Weimar Constitution of the pre-Nazi regime, the states, provinces, and municipalities enjoyed considerable autonomy in the exercise of governmental functions—legislative, executive and judicial. (*2050-PS*)

Hitler, in *Mein Kampf,* stated the conspirators' purpose to establish totalitarian control of local government:

> "National Socialism, as a matter of principle, must claim the right to enforce its doctrines, without regard to present federal boundaries, upon the entire German nation and to educate it in its ideas and its thinking. * * * The National Socialist doctrine is not the servant of political interests of individual federal states but shall become the ruler of the German nation." *(2883–PS)*

These views were echoed by Rosenberg:

> "In the midst of the great power constellations of the globe there must be, for foreign as well as for internal political reasons, only one strong central national authority, if one wants Germany to regain a position which makes it fit for alliance with other countries." (*2882-PS*)

By a series of laws and decrees, the Nazi conspirators reduced the powers of the regional and local governments and substantially transformed them into territorial subdivisions of the Reich government. The program of centralization began almost immediately after the Nazis acquired the chief executive posts of the government. On 31 March 1933, they promulgated the Provisional Law integrating the Laender with the Reich *(2004-PS)*. This law called for the dissolution of all state and local self governing bodies and for their reconstitution according to the number of votes cast for each party in the Reichstag election of 5 March 1933. The Communists and their affiliates were expressly denied representation.

A week later there followed the Second Law Integrating the Laender with the Reich (*2005-PS*). This Act established the position of Reich Governor. He was to be appointed by the President upon the proposal of the Chancellor, and was given power to appoint the members of the Land governments and the higher Land officials and judges, the authority to reconstruct the Land legislature according to the law of 31 March 1933 *(2004-PS, supra)*, and the power of pardon.

On 31 January 1934, most of the remaining vestiges of Land independence were destroyed by the Law for the Reconstruction of the Reich:

> "The popular referendum and the Reichstag election of November 12, 1933, have proved that the German people have attained an indestructible internal unity *(unloesliche innere Einheit)* superior to all internal subdivisions of political character. Consequently, the Reichstag has enacted the following law which is hereby promulgated with the unanimous vote of the Reichstag after ascertaining that the requirements of the Reich Constitution have been met:
>
> Article I. Popular assemblies of the Laender shall be abolished.
>
> Article II. (1) The sovereign powers (*Hoheitsrechte*) of the Laender are transferred to the Reich.
>
> (2) The Laender governments are placed under the Reich government.
>
> Article III. The Reich governors are placed under the administrative supervision of the Reich Minister of Interior.
>
> Article IV. The Reich Government may issue new constitutional laws."

This law was implemented by a regulation, issued by Frick, providing that all Land laws must have the assent of the competent

Minister of the Reich, that the highest echelons of the Land Government were to obey the orders of the competent Reich Minister, and that the employees of the Laender might be transferred into the Reich Civil Service. (*1653-PS*)

The *Reichsrat* (Reich Council) was abolished by law on 14 February 1934, and all official representation on the part of the Laender in the administration of the central government was at an end *(2647-PS)*. The legislative pattern was complete with the enactment of the Reich Governor Law on 30 January 1935, which solidified the system of centralized control. The Reich Governor was declared to be the official representative of the Reich government, who was to receive orders directly from Hitler (*Reichstatthaltergesetz* (Reich Governor Law), 30 January 1935, 1935 *Reichsgesetzblatt,* Part I, p. 65). The same development was apparent in the provinces, the territorial subdivisions of Prussia. All local powers were concentrated in the Provincial Presidents, who acted solely as representatives of the national administration (*2049-PS*). Similarly, in the case of the municipalities local self-government was quickly reduced to a minimum and communal affairs were placed under central Reich control. The Nazi Party Delegate was given special functions:

> "* * * in order to insure harmony between the communal administration and the Party." (Art. 6 (2)).

The Reich was given supervision over the municipalities:

> "* * * in order to insure that their activities conform with the laws and the aims of national leadership." (*2008-PS*)

The Nazi conspirators frequently boasted of their comprehensive program of government centralization. Frick, Minister of the Interior throughout this period, wrote:

> "The reconstruction law abolished the sovereign rights and the executive powers of the Laender and made the Reich the sole bearer of the rights of sovereignty. The supreme powers of the Laender do not exist any longer. The natural result of this was the subordination of the Land governments to the Reich government and the Land Ministers to the corresponding Reich Ministers. On 30 January 1934, the German Reich became one state. *(2481-PS)*

In another article Frick indicated even more clearly the purposes which underlay this program of centralization:

> "In the National Socialist revolution of 1933, it was stipulated for the first time in the history of the German nation that the erection of a unified state *(Einheitsstaat)* would be accomplished. From the early days of his political activity,

> Adolf Hitler never left a doubt in the mind of anyone that he considered it the first duty of National Socialism to create a German Reich in which the will of the people would be led in a single direction and that the whole strength of the nation, *at home and abroad,* would be placed on the balance scale." *(2380–PS; 2378–PS.)*

D. *The Nazi conspirators united the offices of President and Chancellor in the person of Hitler.* The merger of the two offices was accomplished by the law of 1 August 1934, signed by the entire cabinet (*2003–PS*). The official Nazi statement concerning the effect of this statute contains this observation:

> "Through this law, the conduct of Party and State has been combined in one hand. * * * He is responsible only to his own conscience and to the German nation." (*1893–PS*)

One of the significant consequences of this law was to give to Hitler the supreme command of the German armed forces, always a prerequisite of the Presidency (*2050–PS*). Accordingly, every soldier was immediately required to take an oath of loyalty and obedience to Hitler. (*2061–PS*)

E. *The Nazi conspirators removed great numbers of civil servants on racial and political grounds and replaced them with party members and supporters.*

Hitler publicly announced the conspirator's purpose:

> "We know that two things alone will save us: the end of internal corruption and the cleaning out of all those who owe their existence simply to the protection of members of the same political parties. Through the most brutal ruthlessness towards all officials installed by those political parties we must restore our finances. * * * The body of German officials must once more become what it was." (*2881–PS*)

The Nazi legislative machine turned to the task of purging the civil service soon after the accession to power. On 7 April 1933, the Law for the Restoration of the Professional Civil Service was promulgated (*1397-PS*). Article 3 of this law applies the Nazi blood theories:

> "(1) Officials who are not of Aryan descent are to be retired (See Section 8); where honorary officials are concerned, they are to be discharged from office.
>
> (2) (1) Does not apply to officials who have been in service since August 1, 1914, or who fought in the World War at the front for the German Reich or for its allies or whose fathers or sons were killed in the World War. The Reich Minister

> of the Interior after consultation with the competent Minister or with the highest state authorities may permit further exceptions in the case of officials who are in foreign countries."

Article 8 provides that retirement does not carry a pension unless the official has served at least ten years. The political purge provision of this law is contained in Article 4:

> "Officials who because of their previous political activity do not offer security that they will exert themselves for the national state without reservations, may be discharged. For three months after dismissal, they will be paid their former salary. From this time on they receive three-quarters of their pensions (see 8) and corresponding annuities for their heirs."

The provisions of the Act apply to all Reich, Land, and Communal officials (Art. 1 (2)). Civil Servants may be placed on the retired list without any reason, "for the purpose of simplifying the administration" (Art. 6). Discharges and transfers, once decided on by the appropriate administrative chief, are final and are not subject to appeal (Art. 7 (1)).

This basic enactment was followed by a series of decrees, regulations, and amendments. For example, on 11 April 1933, the term "nonAryan" was defined to include persons with only one non-Aryan grandparent (*2012–PS*). An amendatory law of 30 June ruled out all civil servants married to non-Aryans. (*1400-PS*)

The political standards of the "Purge Law" were made more explicit by the supplementary law of 20 July 1933. Officials who belonged to any party or organization which, in the opinion of the Nazis, furthered the aims of Communism, Marxism, or Social Democracy were summarily to be discharged (*1398-PS*). In the later years, these earlier provisions were enlarged and codified, no longer solely for the purposes of affecting the existing civil service, but rather to set out the qualifications for the appointment of new applicants and for their promotion. Proof of devotion to National Socialism and documentary proof of acceptable "blood" were prescribed as conditions to promotion. (*2326–PS*)

The comprehensive German Civil Service Law of 26 January 1937 included the discriminatory provisions of the earlier legislation, and prevented the appointment of any applicants opposed or suspected of being opposed to the Nazi program and policy (*2340-PS*). The legislation dealing with the training and education of civil servants provided that no person can be accepted for an official position unless he is a member of the Nazi Party or one of its formations (*Gliederungen*). (*2341–PS*)

The total subjugation of the German civil servant was ultimately accomplished by the following resolution passed by the Reichstag at the request of the Fuehrer.

> "* * * without being bound by existing legal provisions, the Fuehrer must therefore in his capacity as Fuehrer of the nation, as commander-in-chief of the Armed Forces, as Head of the Government and as the highest bearer of all power, as highest Law Lord and as Fuehrer of the Party, always be in a position to require every German—whether a simple soldier or officer, subordinate or higher official, or judge, supervisory or operating functionary of the Party, laborer or employer—to carry out his duties with all the means available to him and to discharge these duties according to a conscientious examination without reference to so-called vested rights, especially without the preambles of pre-existing procedure, by removal of any man from his office, rank or position." (*2755-PS*)

F. *The Nazi conspirators restricted the independence of the judiciary and rendered it subservient to their ends.*

The independence of judges, before the Nazi regime, was guaranteed by the Weimar Constitution. The fundamental principle was stated briefly in Article 102:

> "Judges are independent and subject only to the law." *(2050-PS)*

Article 104 contained a safeguard against the arbitrary removal or suspension of judges, while Article 105 prohibited "exceptional courts". The fundamental rights of the individual are set out in Article 109 and include equality before the law. (*2050-PS*)

Like all other public officials, German judges who failed to meet Nazi racial and political requirements became the subject of a wide-spread purge. Non-Aryans, political opponents of the Nazis, and all persons suspected of antagonism to the aims of the Party were summarily removed (*2967–PS*). The provisions of the Law for the Restoration of Professional Civil Service of 7 April 1933 applied to all judges. This was declared expressly in the third regulation for the administration of the law. (*2867-PS*)

To make certain that cases with political ramifications would be dealt with acceptably and in conformity with Party principles, the Nazis granted designated areas of criminal jurisdiction to the so-called Special Courts *(Sondergerichte)*. These constituted a new system of special criminal courts, independent of the regular judiciary and directly subservient to the Party (*2076–PS*). A later decree considerably broadened the jurisdiction of these courts. (*2056–PS*)

In 1934, the People's Court was set up as a trial court "in cases of high treason and treason" (*2014–PS*). This action was a direct result of the dissatisfaction of the Nazi rulers with the decision of the Supreme Court *(Reichsgericht)* in the Reichstag fire trial. Three of the four defendants were acquitted although the Nazi conspirators had expected convictions in all cases *(2967–PS)*. The law which created this new tribunal contained a wide definition of treason which would include most of what were regarded by the Nazis as "political" crimes (Art. 3 (1)). The express denial of any appeal from the decisions of the People's Court (Art. 5 (2)) was a further indication of the intention of the Nazis to set up a criminal law system totally outside of accepted judicial pattern. The substantive organization of the People's Court was later established by law in 1936. (*2342–PS*)

These new tribunals were staffed almost exclusively with Nazis and were used to tighten the Party's grip on Germany. This control became progressively stronger, due first, to the power of the prosecutor to pick the appropriate court; second, to the restriction of defense counsel in these courts to specially admitted attorneys; and finally, to the absence of appeal from the decisions of these judges. Moreover, there developed along side of the entire judicial system the increasingly powerful police administration, under which persons opposed to the regime were regularly imprisoned in concentration camps without any type of hearing, even after acquittal by the courts. (*2967–PS*)

Still another group of courts was established within the Party itself. These Party Courts heard cases involving internal party discipline and infractions of the rules of conduct prescribed for members of formations and affiliated organizations. The published rules for the Party judges emphasized the complete dependence of these judges upon the directions and supervision of their Party superiors. (*2402–PS*)

The Nazi legal theorists freely admitted that there was no place in their scheme of things for the truly independent judge. They controlled all judges through special directives and orders from the central government. Frank underscored the role of the judge as a political functionary and as an administrator in the National Socialist state (*2378–PS*). Two case histories of this period serve to illustrate the manner in which criminal proceedings were directly suppressed or otherwise affected by order of the Reich government.

In 1935, the Reich Governor of Saxony, Mutschmann, attempted to quash criminal proceedings which, in this exceptional instance, had been brought against officials of the Hohnstein concentration camp for a series of extremely brutal attacks upon inmates. The trial was held and the defendants convicted, but during the trial the governor inquired of the presiding judge whether he did not think the penalty proposed by the prosecutor too severe and whether an acquittal was not indicated. After the conviction, two jurymen were ousted from the NSDAP and the prosecutor was advised by his superior to withdraw from the SA. Although Guertner, the then Minister of Justice, strongly recommended against taking any action to alter the decision, Hitler pardoned all the accused. (*783–PS; 784–PS; 785–PS; 786–PS*)

In another similar case, Guertner wrote directly to Hitler narrating the horrible details of maltreatment and advising that the case be regularly prosecuted. Nevertheless, Hitler ordered complete suppression of the proceedings. (*787–PS; 788–PS*)

Under the Nazi regime, it was part of the official duty of many Party funtionaries to supervise the administration of justice. The official papers of Hess contain detailed statements concerning his own functions and those of the Gauleiter in deciding criminal cases. (*2639–PS*)

Another type of governmental interference in judicial matters is evidenced by the confidential letter which the Ministry of Justice sent in early 1938 to the Chief Justices of the Regional Supreme Courts (*Oberlandesgerichtspraesidenten).* The judges were instructed to submit lists of lawyers who would be sufficiently able and trustworthy to represent in court persons who had been taken into "protective custody". The main requirement was absolute political reliability. Simple Party membership was not enough; to be selected, the lawyer had to enjoy the confidence of the "Gestapo". (*651–PS*)

After the war began, Thierack, Minister of Justice, revealed the low state to which the judiciary had fallen under Nazis rule. He argued that the judge was not the "supervisor" but the "assistant" of the government. He said that the word "independent", as applied to the judge, was to be eliminated from the vocabulary and that although the judge should retain a certain freedom of decision in particular cases, the government "can and must" give him the "general line" to follow. For this purpose, Thierack decided in 1942 to send confidential Judge's Letters *(Richterbriefe)* to all German judges and prosecutors, setting forth the political principles and directives with which all judicial personnel were obligated to comply (*2482–PS*). The first of these Judge's Letters clearly expresses the complete subordination of the judges to the Fuehrer and his government. (*D-229*)

G. *The Nazi conspirators greatly enlarged existing State and Party organizations and established an elaborate network of new formations and agencies.*

The totalitarian character of the Nazi regime led to the establishment of a great number of new official and semi-official agencies and organizations in the various fields of life which were permeated by Nazi doctrine and practice, including culture, trade, industry, and agriculture.

New agencies had to be created to handle the large number of additional administrative tasks taken over from the Laender and the municipalities. Moreover, the mobilization of the political, economic, and military resources of Germany required the formation of such coordinating "super-agencies" as the Four Year Plan, the Plenipotentiary for Economics, the Plenipotentiary for Administration, and the Ministerial Council for the Defense of the Reich. At the time of the launching of war, the central Reich government was an extremely complicated structure held together under strict Nazi dictatorship. (See *Chart Number 18;* also *2261–PS; 2194–PS; 2018–PS.*)

Simultaneously, in the Party, the growth of agencies and organizations proceeded rapidly. The Party spread, octopus-like, throughout all Germany and into many foreign lands. (See *Chart Number 1*; also *1725–PS.*)

This process of growth was summed up late in 1937 in an official statement of the Party Chancellery:

"In order to control the whole German nation in all spheres of life, the NSDAP, after assuming power, set up under its leadership the new Party formations and affiliated organizations." (*2383–PS*)

H. *The Nazi conspirators created a dual system of government controls, set up Party agencies to correspond with State agencies, and coordinated their activities, often by uniting corresponding State and Party offices in a single person.*

In *Mein Kampf*, Hitler announced the conspirators' purpose:

> "Such a revolution can and will only be achieved by a movement which itself is already organized in the spirit of such ideas and thus in itself already bears the coming state. Therefore, the National Socialist movement may today become imbued with these ideas and put them into practice in its own

> organization so that it not only may direct the state according to the same principles, but also may be in a position to put at the state's disposal the finished organizational structure of its own state." (*2883–PS*)

The Nazis attempted to achieve a certain degree of identity between the Party and the State and, at the same time, to maintain two separate organizational structures. After the rise to power, the fundamental principle of unity was translated into "law":

> "Article 1. After the victory of the National Socialistic Revolution, the National Socialistic German Labor Party is the bearer of the concept of the German State and is inseparably the state." (*1395–PS*)

The manner in which the Nazis retained a duality of organization despite the theory of unity is graphically portrayed in the charts of the Party and the State (*Charts Number 1 and 18*). These visual exhibits demonstrate the comprehensive character of the Party organization, which was established on parallel lines with the corresponding government structure. The Party structure remained at all times technically separate and could be used for non-governmental purposes whenever such use best served the needs of the conspirators. In innumerable instances, the corresponding Party and State offices were, in fact, held by the same person. For example, the Gauleiter of the Party in most instances also held the post of Reich Governor (or, in Prussia, that of Provincial President). (*2880–PS*)

The coordination of the Party and State functions started at the top. The Chief of the Party Chancellery was designated a Reich Minister and endowed with plenary powers in the preparation and approval of legislation. He acted as liaison officer at the highest level between Party officials and cabinet ministers. He was given also the duty of passing on the appointment of all the more important civil servants. (*2787–PS*)

Many of the same powers were bestowed upon the other *Reichsleiter* (Leaders composing the Party Directorate). The official Nazi exposition of their position is as follows:

> "It is in the Reich Directorate where the strings of the organization of the German people and the State meet. By endowment of the Chief of the Party Chancellery with the powers of a Reich Minister, and by special administrative directives, the penetration of the State apparatus with the political will of the Party is guaranteed. It is the task of the separate organs of the Reich Directorate to maintain as close a contact as possible with the life of the nation through their

> sub-offices in the Gaus. Observations at the front are to be collected and exploited by the offices of the Reich Directorate." (*1893-PS*)

On the regional and local levels, the *Gauleiter, Kreisleiter,* etc., were also empowered to control the purely governmental authorities on political matters. Hess issued the following order shortly after the war began:

> "I, therefore order that the bearer of sovereignty *(Hoheitstraeger)* of the NSDAP *(Gauleiter, Kreisleiter, Ortsgruppenleiter)* in the scope of his authority is responsible for the political leadership and the frame of mind *(Stimmung)* of the population. It is his right and his duty to take or to cause to be taken any measures necessary for the expeditious fulfillment of his political duties and for the elimination of wrong within the Party. He is exclusively responsible to his superior bearers of sovereignty *(Hoheitstraeger).*" (*2383-PS*)

In the later years, the functional coordination of Party and State offices became much more common. The appointment of Himmler as Reichsfuehrer SS and Chief of the German Police is a typical example of the way in which State and Party functions became inextricably merged so as to render any clean lines of demarcation impossible. (*2073-PS*)

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*2018–PS	Fuehrer's decree establishing a Ministerial Council for Reich Defense, 30 August 1939. 1939 Reichsgesetzblatt, Part I, p. 1539. (GB 250)	IV	650
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4. PURGE OF POLITICAL OPPONENTS AND TERRORIZATION

A. *The Nazi conspirators ruthlessly purged their political opponents.* Soon after the Nazi conspirators had acquired political control, the defendant Goering, 3 March 1933, stated:

> "Fellow Germans, my measures will not be crippled by any judicial thinking. My measures will not be crippled by any bureaucracy. Here, I don't have to give justice, my mission is only to destroy and exterminate, nothing more! This struggle, fellow Germans, will be a struggle against chaos and such a struggle, I shall not conduct with the power of any police. A bourgeoise state might have done that. Certainly, I shall use the power of the State and the police to the utmost, my dear Communists! So you won't draw any false conclusions; but the struggle to the death, in which my fist will grasp your necks, I shall lead with those down there —those are the Brown Shirts." (*1856–PS*)

In 1934 Heinrich Himmler, the Deputy Leader of the Prussian Secret State Police, stated:

> "We are confronted with a very pressing duty—both the open and secret enemies of the Fuehrer and of the National Socialist movement and of our National Revolution must be discovered, combatted and exterminated. In this duty we are agreed to spare neither our own blood nor the blood of anyone else when it is required by our country." (*2543–PS*)

Raymond H. Geist, former American Counsel and First Secretary of the Embassy in Berlin, Germany 1929-1939, has stated:

> "Immediately in 1933, the concentration camps were established and put under charge of the Gestapo. Only 'political' prisoners were held in concentration camps * * *.
>
> "The first wave of terroristic acts began in March 6-13, 1933, accompanied by unusual mob violence. When the Nazi Party won the elections in March 1933—on the morning of the 6th—the accumulated passion blew off in wholesale attacks on the Communists, Jews, and others suspected of being either. Mobs of SA men roamed the streets, beating up, looting, and even killing persons * * *.
>
> "For Germans taken into custody by the Gestapo * * * there was a regular pattern of brutality and terror. Victims numbered in the hundreds of thousands all over Germany." (*1759–PS*)

The Sturmabteilung (SA) had plans for the murder of former Prime Minister Bruening, but his life was spared through the negotiations and activities of the defendant Hess and Dr. Haushofer, President of the Geopolitic Institute of Munich, because they feared his death might result in serious repercussions abroad. (*1669–PS*)

From March until October 1933 the Nazi conspirators arrested, mistreated and killed numerous politicians, Reichstag members, authors, physicians, and lawyers. Among the persons killed were the Social Democrat Stolling; Ernst Heilman, Social Democrat and member of the Prussian Parliament; Otto Eggerstadt, the former Police President of Altona; and various other persons. The people killed by the Nazis belonged to various political parties and religious faiths, such as Democrats, Catholics, Communists, Jews, and pacifists. The killings were usually camouflaged by such utterances as "killed in attempting to escape" or "resisting arrest." It is estimated that during this first wave of terror conducted by the Nazi conspirators, between 500 and 700 persons died. (*2544–PS;* see also *2460–PS* and *2472–PS.*)

On 30 June, and 1, 2 July 1934, the Nazi conspirators proceeded to destroy opposition within their own ranks by wholesale murder (*2545–PS*). In making a formal report of these murders to the Reichstag on 13 July 1934, Hitler stated:

> "The punishment for these crimes was hard and severe. There were shot 19 higher SA leaders, 31 SA leaders and SA members and also 3 SS leaders as participants in the plot. Also 13 SA leaders and civilians who tried to resist arrest and were killed in the attempt. 3 others committed suicide. 5 members of the Party who were not members of the SA were shot because of their participation. Finally, 3 SS

> members were at the same time exterminated because they had maltreated concentration camp inmates." (*2572–PS*)

In this same speech, Hitler proudly boasted that he gave the order to shoot the principal traitors and that he had prosecuted thousands of his former enemies on account of their corruption. He justified this action by saying,

> "In this hour I was responsible for the fate of the German people." *(Voelkischer Beobachter (People's Observer), Berlin ed., issue 195, 14 July 1934, Beiblatt, p. 2.)*

The conspirators took advantage of this occasion to eliminate many opponents indiscriminately.

In discussing the Roehm purge, the defendant Frick stated:

> "On account of this order, many, many people were arrested * * * something like a hundred, even more, were even killed who were accused of high treason. All of this was done without resort to legal proceedings. They were just killed on the spot. Many people were killed—I don't know how many—who actually did not have anything to do with the putsch. People who just weren't liked very well, as, for instance, SCHLEICHER, the former Reich Chancellor, were killed. SCHLEICHER's wife was also killed as was GREGOR STRASSER, who had been the Reich organization leader and second man in the Party after Hitler. STRASSER, at the time he was murdered, was not active in political affairs anymore. However, he had separated himself from the Fuehrer in November or December of 1932." (*2950–PS*)

Such a large scale of extermination could not be carried out without errors. Shortly after the event, the Nazi conspirators arranged for a Government pension to be paid to one of its citizens, because "by mistake" the political police had murdered her husband, Willi Schmidt, who had never engaged in any kind of political activity. It was believed at the time that the man intended was Willi Schmidt, an SA leader in Munich, who was later shot on the same day. (*L–135*)

The Nazi conspirators formally endorsed their murderous purge within their own ranks by causing the Reichstag to pass a law declaring that all measures taken in carrying out the purge on 30 June and 1-2 July 1934 were legal as a measure of State necessity (*2057–PS*). Referring to this act of approval on the part of the Nazi-controlled Reichstag, Goering stated:

> "The action of the Government in the days of the Roehm revolt was the highest realization of the legal consciousness of the people. Later the action which itself was justified, now has been made legal by the passage of a law." (*2496–PS*)

Furthermore, the leader of the Nazi conspiracy on 25 July 1934 issued a decree which stated that because of the meritorious service of the SS, especially in connection with the events of 30 June 1934, the organization was elevated to the standing of an independent organization within the NSDAP. (*1857–PS*)

B. *The Nazi conspirators used the legislative and judicial powers of the German Reich to terrorize all political opponents.*

(1) *They created a great number of new political crimes.* The decree of 28 February 1933 punished the inciting of disobedience to orders given out by State or Reich Government authorities or the provocation of acts "contrary to public welfare." (*1390–PS*) A month later, in order to give themselves legal justification for murdering by judicial process their political enemies, the Nazi conspirators passed a law making the provisions of the above decree applicable retroactively to acts committed during the period from 31 January to 28 February 1933. (*2554–PS*) Referring to these laws, the defendant Goering stated:

> "Whoever in the future raises a hand against a representative of the National Socialist movement or of the State, must know that he will lose his life in a very short while. Furthermore, it will be entirely sufficient, if he is proven to have intended the act, or, if the act results not in a death, but only in an injury." (*2494–PS*)

On 21 March 1933 a decree was issued which provided for penitentiary imprisonment up to two years for possessing a uniform of an organization supporting the government of the Nationalist movement without being entitled thereto, or circulating a statement which was untrue or greatly exaggerated, or which was apt to seriously harm the welfare of the Reich or the reputation of the Government, or of the Party or organizations supporting the Government. (*1652–PS*)

The Nazi conspirators caused a law to be enacted punishing whoever undertook to maintain or form a political party other than the NSDAP. (*1388–PS*)

The Nazi conspirators enacted a law which made it a crime deliberately to make false or grave statements calculated to injure the welfare or the prestige of the Reich, or to circulate a statement manifesting a malicious or low-minded attitude toward leading personalities of the State or the Party. The law also applied to statements of this kind which were not made in public, provided the offender counted on his statements being eventually circulated in public. (*1393–PS*)

In commenting on the above law, one of the leading Nazi conspirators, Martin Bormann, stated:

> "Although it must absolutely be prevented that martyrs are created, one must take merciless action against such people, in whose attacks a bad character or attitude, decisively inimical to the State, can be recognized. For this purpose, I request the Gauleiters to report here briefly all crimes, which must absolutely be punished, and which have become known to the districts, regardless of the report to be made to the district attorney's office * * *.
>
> "The district and local leaderships are to be notified accordingly. However, if it should be decided from wherein this or that punishable case, that the miscreant is to be given a simple or strong reprimand by the court, I shall give the directive for the future, that the Districts are informed of the names of the persons.
>
> "I therefore request, to see to it, that these compatriots be especially watched by the Ortsgruppen, and that it be attempted, to influence them in the National Socialist sense. Otherwise, it will be necessary to place the activities of such persons, who do not want to be taught, under exact control. In these cases, it will eventually be necessary, to notify the Secret State Police." (*2639–PS*)

On 24 April 1934 the Nazi conspirators passed a law imposing the death penalty for "any treasonable act." Included in the law was a declaration to the effect that the creating or organizing of a political party, or continuing of an existing one was a treasonable act. (*2548–PS*)

(2) *By their interpretation and changes of the penal law, the Nazi conspirators enlarged their terroristic methods.* After the enactment of these new political crimes, the Nazi conspirators introduced into the penal law the theory of punishment by analogy. This enabled them legally to punish any act injurious to their political interests even if no existing statute forbade it. The culpability of the act and the punishment was determined by the law most closely relating to or covering the act which was in force at the time. (*1962–PS*)

In interpreting this law, Dr. Guertner, Reich Minister of Justice, stated:

> "National Socialism substitutes for the idea of formal wrong, the idea of factual wrong. * * * Even without the threat of punishment, every violation of the goals toward which the community is striving is a wrong per se. As a

> result, the law ceases to be an exclusive source for the determination of right or wrong." (*2549–PS*)

Referring to the penal code of Nazi Germany, the defendant Frank stated in 1935:

> "The National Socialist State is a totalitarian State, it makes no concessions to criminals, it does not negotiate with them; it stamps them out." (*2552–PS*)

The Nazi conspirators also revised the criminal law so that the State could, within one year after a decree in a criminal case had become final, apply for a new trial, and the application would be decided by members of a Special Penal Chamber appointed by Hitler personally. Thus, if a defendant should be acquitted in a lower court, the Nazi conspirators could rectify the situation by another trial. (*2550–PS*)

In direct contrast to the severity of the criminal law as it affected the general population of Germany, the Nazi conspirators adopted and endorsed a large body of unwritten laws exempting the police from criminal liability for illegal acts done under higher authority. This principle was described by Dr. Werner Best, outstanding Nazi lawyer, in the following terms:

> "The police never act in a lawless or illegal manner as long as they act according to the rules laid down by their superiors up to the highest governing body. According to its nature, the police must only deal with what the Government wants to know is being dealt with. What the Government wants to know is being dealt with by the police is the essence of the police law and is that which guides and restricts the actions of the police. As long as the police carry out the will of the Government, it is acting legally." (*1852–PS*)

C. *The Nazi conspirators created a vast system of espionage into the daily lives of all parts of the population.*

(1) *They destroyed the privacy of postal, telegraphic, and telephonic communications.* They enacted a law in February of 1933 providing that violations of privacy of postal, telegraphic, and telephonic communications were permissible beyond legal limitations. (*1390–PS*)

Dr. Hans Anschuetz, the present District Court Director *(Landgerichtsdirektor)* at Heidelberg, Germany, recently stated:

> "Subsequently, the system of spying upon and supervising the political opinions of each citizen which permeated the entire people and private life of Germany, was, of course, also extended to judges." (*2967–PS*)

(2) *They used the Secret State Police (Gestapo) and the Security Service (SD) for the purpose of maintaining close surveillance over the daily activities of all people in Germany.* The Gestapo had as its primary preventive activity the thorough observation of all enemies of the State, in the territory of the Reich. *(1956–PS)*
The SD was an intelligence organization which operated out of various regional offices. It consisted of many hundreds of professional SD members who were assisted by thousands of honorary members and informers. These people were placed in all fields of business, education, State and Party administration, and frequently performed their duties secretly in their own organization. This information service reported on the activities of the people. (*2614–PS*)

D. *Without judicial process, the Nazi conspirators imprisoned, held in protective custody and sent to concentration camps opponents and suspected opponents.*

They authorized the Gestapo to arrest and detain without recourse to any legal proceeding. Officially, this power was described as follows:

> "The Secret State Police takes the necessary police preventive measures against the enemies of the State on the basis of the results of the observation. The most effective preventive measure is without doubt the withdrawal of freedom which is covered in the form of protective custody. * * * While protective arrests of short duration are carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have to be withdrawn from public life for a longer time." (*1956–PS*)

The Nazi conspirators issued their own orders for the taking of people into protective custody and these orders set forth no further details concerning the reasons therefor, except a statement such as "Suspicion of activities inimical toward the State." (*2499–PS*)

The defendant Frank stated:

> "To the world we are blamed again and again because of the concentration camps. We are asked, 'Why do you arrest without a warrant of arrest?' I say, put yourselves into the position of our nation. Don't forget that the very great and still untouched world of Bolshevism cannot forget that we have made final victory for them impossible in Europe, right here on German soil." (*2533–PS)*

The defendant Goering said in 1934:

> "Against the enemies of the State, we must proceed ruthlessly. It cannot be forgotten that at the moment of our rise to power, according to the official election figures of March 1933, six million people still confess their sympathy for Communism and eight million for Marxism. * * * *Therefore, the concentration camps have been created, where we have first confined thousands of Communists and Social Democrat* functionaries. * * *" (*2344–PS*)

U. S. Ambassador George S. Messersmith, former Counsel General in Berlin, Germany, 1930–34, and Raymond H. Geist, former American Counsel and First Secretary of the Embassy in Berlin, Germany, 1929-1939, have recently stated:

> "Independent of individual criminal acts committed by high functionaries of the German government or the Nazi Party, such as the murders ordered by Hitler, Himmler and Goering, all high functionaries of the German government and of the Nazi Party * * * are guilty in the highest degree of complicity in and furtherance of the cardinal crimes of oppression against the German people, persecution and destruction of the Jews and all of their political opponents." (*2386–PS*)

Commenting further on the Nazi conspirators' use of concentration camps to destroy political opposition, Raymond H. Geist stated:

> "The German people were well acquainted with the goings on in concentration camps and it was well known that the fate of anyone too actively opposed to any part of the Nazi program was liable to be one of great suffering. Indeed, before the Hitler regime was many months old, almost every family in Germany had had first hand accounts of the brutalities inflicted in the concentration camps from someone either in the relationship or in the circle of friends who had served a sentence there; consequently the fear of such camps was a very effective brake on any possible opposition." (*1759–PS*)

The Nazi conspirators confined, under the guise of "protective custody" Reichstag members, Social Democrats, Communists, and other opponents or suspected opponents. (*2544–PS; L–73; L–83; 1430–PS.*)

E. *The Nazi conspirators created and utilized special agencies for carrying out their system of terror.*

(See Chapter XV, Sections 5 and 6, on the Gestapo, SS, and SD)

F. *The Nazi conspirators permitted organizations and individuals to carry out this system of terror without restraint of law.*

(1) *Acts of the Gestapo were not subject to review by the courts.* In 1935 the Prussian Supreme Court of Administration held that the orders of the Gestapo were not subject to judicial review; and that the accused person could appeal only to the next higher authority within the State Police itself. (*2347–PS*)

In 1936 a law was passed concerning The Gestapo in Prussia which provided that orders in matters of the Gestapo were not subject to review of the Administrative Courts. (*2107–PS*)

On the same subject, the following article appeared in the official German Lawyer's Journal, 1935.

> "Once again the court had to decide on the question of whether political measures could be subjected to the review of the ordinary courts. * * * The case in question concerned the official performance of his duty by an official of the NSDAP. * * * The principle of the importance and the mission of the Party and its 'Sovereign Functionaires' cannot be overlooked. Therefore, the plaintiff should have been denied the right to be in court." (*2491–PS*)

(2) *Where no definite law protected terroristic acts of Nazi conspirators and their accomplices, proceedings against them were in the first instance suppressed or thereafter their acts were pardoned.* In 1935, proceedings against an employee of the Gestapo accused of torturing, beating, and killing of inmates of a concentration camp were suppressed (*787–PS; 788–PS*). In June 1935 twenty-three SA members and policemen convicted of the beating and murder of inmates of the Hohnstein concentration camp were pardoned (*786–PS*). The prosecutor was forced to resign from the SA. (*784–PS*)

CHAPTER VII

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO PURGE OF POLITICAL OPPONENTS AND TERRORIZATION

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a)	I	5
	International Military Tribunal, Indictment Number 1, Section IV (D) 3 (b)	I	19
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*784–PS	Letters from Minister of Justice to Hess and SA Chief of Staff, 5 June 1935, concerning penal proceedings against merchant and SA leader and 22 companions because of inflicting bodily injury on duty. (USA 732)	III	559
*786–PS	Minister of Justice memorandum, 29 November 1935, concerning pardon of those sentenced in connection with mistreatment in Hohnstein concentration camp. (USA 734)	III	568

Document	Description	Vol.	Page
*787-PS	Memorandum to Hitler from Public Prosecutor of Dresden, 18 June 1935, concerning criminal procedure against Vogel on account of bodily injury while in office. (USA 421)	III	568
*788-PS	Letters from Secretary of State to the Minister of Justice, 25 June 1935 and 9 September 1935, concerning criminal procedure against Vogel. (USA 735)	III	571
1388-PS	Law concerning confiscation of Property subversive to People and State, 14 July 1933. 1933 Reichsgesetzblatt, Part I, p. 479	III	962
1390-PS	Decree of the Reich President for the Protection of the People and State, 28 February 1933. 1933 Reichsgesetzblatt, Part I, p. 83	III	968
1393-PS	Law on treacherous attacks against State and Party, and for the Protection of Party Uniforms, 20 December 1934. 1934 Reichsgesetzblatt, Part I, p. 1269	III	973
1430-PS	Compilation of Leading Men of the System Era, June 1939	IV	15
1652-PS	Decree of the Reich President for protection against treacherous attacks on the government of the Nationalist movement, 21 March 1933. 1933 Reichsgesetzblatt, Part I, p. 135	IV	160
*1669-PS	Correspondence between Dr. Haushofer and Hess, 24 and 28 August 1933. (USA 741)	IV	184
*1759-PS	Affidavit of Raymond H. Geist. (USA 420)	IV	288
*1852-PS	"Law" from The German Police, 1941, by Dr. Werner Best. (USA 449). (See Chart No. 16)	IV	490

Document	Description	Vol.	Page
*1856–PS	Extract from book entitled "Hermann Goering — Speeches and Essays", 3rd edition 1939, p. 27. (USA 437)	IV	496
*1857–PS	Announcement of creation of SS as independent formation of NSDAP. Voelkischer Beobachter, 26 July 1934, p. 1. (USA 412)	IV	496
1956–PS	Meaning and Tasks of the Secret State Police, published in The Archives, January 1936, Vol. 22–24, p. 1342	IV	598
1962–PS	Law to change the Penal Code of 28 June 1935. 1935 Reichsgesetzblatt, Part I, p. 839	IV	600
2057–PS	Law relating to National Emergency Defense Measures of 3 July 1934. 1934 Reichsgesetzblatt, Part I, p. 529	IV	699
2107–PS	Law on Secret State Police of 10 February 1936. 1936 Preussiche Gesetzsammlung, pp. 21–22.	IV	732
2344–PS	Reconstruction of a Nation by Goering, 1934, p. 89	IV	1065
2347–PS	Court decisions from 1935 Reichsverwaltungsblatt, Vol. 56, pp. 577–578, 20 July 1935	IV	1066
*2386–PS	Joint affidavit of George S. Messersmith and Raymond H. Geist, 29 August 1945. (USA 750)	V	39
*2460–PS	Affidavit of Rudolf Diels. (USA 751)	V	205
*2472–PS	Affidavit of Rudolf Diels, 31 October 1945. (USA 752)	V	224
2491–PS	Extract from Legal Review, published in Lawyers' Journal, 1935	V	235

Document	Description	Vol.	Page
2494–PS	Prime Minister Goering's Press Conference, published in Voelkischer Beobachter, Berlin edition, 23–24 July 1933, p. 1	V	236
2496–PS	Extract from Goering's address to Public Prosecutors of Prussia on 12 July 1934 from the Archive, 1934, Vols. IV–VI, p. 495	V	236
*2499–PS	Original Protective Custody Order served on Dr. R. Kempner, 15 March 1935. (USA 232)	V	236
2533–PS	Extract from article "Legislation and Judiciary in the Third Reich", from Journal of the Academy for German Law, 1936, pp. 141–142	V	277
2543–PS	Extract from The Mission of the SS, published in The National Socialist Magazine, Issue 46, January 1934	V	288
*2544–PS	Affidavit of Rudolf Diels, former Superior Government Counsellor of the Police Division of the Prussian Ministry of the Interior. (USA 753)	V	288
2545–PS	Extract from Hitler's cleaning up act in Reich, published in Voelkischer Beobachter, Berlin edition, No. 182–183, 1–2 July 1934, p. 1	V	290
2548–PS	Law about changing rules of Criminal Law and Criminal Procedure of 24 April 1934. 1934 Reichsgesetzblatt, Part I, p. 34	V	291
2549–PS	Extract from "Germany's Road to Freedom" as published in Documents of German Politics, Vol. 3	V	292
2550–PS	Law on modification of rules of general criminal procedure, 16 September 1939. 1939 Reichsgesetzblatt, Part I, p. 1841	V	293

Document	Description	Vol.	Page
2552–PS	Excerpt concerning criminals, published in Journal of the Academy for German Law, No. 3, March 1935	V	293
2554–PS	Law concerning adjudication and execution of the death penalties of 29 March 1933. 1933 Reichsgesetzblatt, Part I, p. 151	V	294
2572–PS	Hitler's speech to the Reichstag on 13 July 1934, printed in The Third Reich, Vol. II, p. 247	V	302
*2614–PS	Affidavit of Dr. Wilhelm Hoettl, 5 November 1945. (USA 918)	V	337
2639–PS	Ordinances of the Deputy of the Fuehrer, published in Munich 1937	V	345
*2950–PS	Affidavit of Frick, 19 November 1945. (USA 448)	V	654
*2967–PS	Affidavit of Dr. Hans Anschuetz, 17 November 1945. (USA 756)	V	673
*L–73	Affidavit of Bruno Bettelheim, 10 July 1945. (USA 746)	VII	818
*L–83	Affidavit of Gerhart H. Seger, 21 July 1945. (USA 234)	VII	859
*L–135	Affidavit of Kate Eva Hoerlin, 9 July 1945. (USA 747)	VII	883

5. DESTRUCTION OF THE FREE TRADE UNIONS AND ACQUISITION OF CONTROL OVER THE PRODUCTIVE LABOR CAPACITY

A. *They destroyed the independent organization of German labor.*

(1) *Before the Nazis took control, organized labor held a well established and influential position in Germany.* Most of the trade unions of Germany were joined together in two large congresses or federations, the Free Trade Unions (*Freie Gewerkschaften)* and Christian Trade Unions (*Christlichen Gewerk-*

schaften). Unions outside these two large groupings contained only 15 per cent of the total union membership. The Free Trade Unions were a congress of two federations of affiliated unions: (1) the General German Trade Union Federation (*Allgemeinen Deutschen Gewerkschaftsbund,* or the "ADGB") with 28 affiliated unions of industrial workers; (2) the General Independent Employees Federation (*Allgemeinen Freien Angestelltenbund,* or the "AFA") with 13 affiliated unions of white collar workers. *(392–PS)*

The membership of the Free Trade Unions, the affiliated organizations of the Christian Trade Unions, and all other unions at the end of 1931 (the last year for which the official government yearbook gives statistics) was as follows (*2411–PS*):

Union Group	Number of members	Percentage of total
Free Trade Unions	4,569,876	65.9
Christian Trade Unions	1,283,272	18.5
Others Unions	1,081,371	15.6
Total	6,934,519	100.0

Under the Weimar Constitution, workers were "called upon to take part on equal terms" with employers in regulating conditions of employment. "It was provided that organizations on both sides and agreements between them shall be recognized." Factory Representative Councils (otherwise known as Workmens or Factory Works Councils) had the right, in conjunction with employers' representatives, to take an official part in the initiation and administration of social and economic legislation. (*2050–PS*)

(2) *The Nazi conspirators conceived that the free trade unions were incompatible with their objectives.*

Hitler stated in *Mein Kampf:*

> "It (the trade union) created the economic weapon which the international world Jew uses for the ruination of the economic basis of free, independent states, for the annihilation of their national industry and of their national commerce, and thereby for the enslavement of free people in the service of the above-the-state-standing, world finance Jewry (*ueberstaatlichen Weltfinanz-Judentums*)." (*404–PS*)

In announcing to Germany the seizure of the Free Trade Unions, Dr. Robert Ley, speaking as chairman of the Nazi Committee for the Protection of German Labor, stated:

> "You may say, what else do you want, you have the absolute power, but we do not have the whole people, we do not have you workers 100 percent, and it is you whom we want; we will not let you be until you stand with us in complete, genuine acknowledgement." (*614–PS*; see also *2224–PS* and *2283–PS*.)

(3) *Soon after coming to power the Nazi conspirators took drastic action to convert the Factory Representative Councils into Nazi controlled organizations.* The Nazi conspirators eliminated the independence of the Factory Representative Councils by giving the Governors of the Laender authority to cancel the membership of labor representatives in the councils; by abrogating the right of the councils to oppose the dismissal of a worker when he was "suspected of an unfriendly attitude toward the state" (*1770–PS*); and finally by limiting membership in all Factory Representative Councils to Nazis (*2336–PS*). (After 7 April 1933, the Governors of the Laender were appointed by the Reich President "upon the proposal of the Reich Chancellor," Hitler, *2005–PS*).

(4) *Soon after coming to power the Nazi conspirators proceeded to destroy the independent unions.* In mid-April 1933, Hitler directed Dr. Robert Ley, then staff director of the PO (Political Organization) of the NSDAP, to take over the trade unions. (*2283–PS*)

Ley issued an NSDAP circular directive on 21 April 1933 detailing a "coordination action" (*Gleichschaltunsaktion*) to be taken on 2 May 1933 against the General German Trade Union Federation (ADGB) and the General Independent Employees Federation (AFA), the so-called "Free Trade Unions" (*392–PS*). This directive created a special "Action Committee" to direct the entire action and declared that the supporters of the action were to be drawn from the National Socialist Factory Cells Organization or NSBO (*Nationalsozialistiche Betriebszellen-Organisation*), the NSDAP political leaders (*Politische Leiter*) in the factories; it named NSDAP commissars for the administration of the larger ADGB unions to be seized in the action; it made the Gau leaders (*Gauleiter*) of the NSDAP responsible for the disciplined execution of the action in their respective areas and authorized them to nominate additional commissars to administer the unions subjected to the action. The directive ordered that SA and SS were to be used in occupying union offices and the

Bank of Workers, Employees and Officials, Inc., and for taking into protective custody the higher union leaders.

The order of seizure was carried out as planned and ordered. On 2 May the official NSDAP press service reported that the NSBO had "eliminated the old leadership" of Free Trade Unions and taken over their leadership. (*2224–PS*)

On 3 May 1933 the NSDAP press service announced that the Central League of Christian Trade Unions (*Gesamtverband der Christlichen Gewerkschaften*) and several smaller unions "have unconditionally subordinated themselves to the leadership of Adolf Hitler" (*2225–PS*). The next day the NSDAP press stated that the German Nationalist Clerks League (DHV) had also "recognized the leadership of the NSDAP in German trade union affairs * * * after a detailed conversation" between Dr. Ley and the leader of the DHV (*2226–PS*). In late June 1933, as a final measure against the Christian Trade Unions, Ley directed that all their offices were to be occupied by National Socialists. (*392–PS*)

The duress practiced by the Nazi conspirators in their assumption of absolute control over the unions is shown by a proclamation of Muchow, leader of the organizational office of the German Labor Front, in late June 1933. By this Party proclamation, all associations of workers not yet "concentrated" in the German Labor Front had to report within eight days. Thereafter they were to be notified of the branch of the German Labor Front which "they will have to join". (*2228–PS*)

(5) *The Nazi Conspirators eliminated the right of collective bargaining generally.* During the same months in which the unions were abolished, a decree eliminated collective bargaining on conditions of employment and substituted regulation by "trustees of labor" (*Treuhaender der Arbeit)* appointed by Hitler. *(405–PS)*

(6) *The Nazi conspirators confiscated all union funds and property.* The NSDAP circular ordering the seizure of the Free Trade Unions on 2 May 1933 directed that the SA and SS were to be used to occupy the branches and paying offices of the Bank for Workers, Employees and Officials and appointed a Nazi commissar, Mueller, for the bank's subsequent direction. The stock of this bank was held entirely by the General German Trade Union Association and its affiliated member unions. The NSDAP circular also directed that all union funds were to be blocked until re-opened under the authority and control of NSDAP-appointed

commissars (*392–PS; 2895–PS*). The Fuehrer's basic order on the German Labor Front of the NSDAP in October 1934 declared that all the property of the trade unions and their dependent organizations constituted (*bildet*) property of the German Labor Front (*2271–PS*). Referring to the seizure of the property of the unions in a speech at the 1937 Party Congress, Ley mockingly declared that he would have to be convicted if the former trade union leaders were ever to demand the return of their property. (*1678–PS*)

(7) *The Nazi conspirators persecuted union leaders.* The NSDAP order on the seizure of the "Free Trade Unions" directed that the chairmen of the unions were to be taken into "protective custody". Lesser leaders could be arrested with the permission of the appropriate Gau leader of the NSDAP (*392–PS*). In late June 1933 the German Labor Front published a "List of Outlaws" who were to be denied employment in the factories. The List named union leaders who had been active in combatting National Socialism and who allegedly continued to carry on their resistance secretly. (*2336–PS*)

The Nazi conspirators subjected union leaders to maltreatment ranging from assaults to murder. Among the offenses committed against union leaders are the following: assault and battery; degrading work and work beyond their physical capacity; incarceration in concentration camps; solitary confinement; denial of adequate food; surveillance; arrest and maltreatment of members of their families; murder. (*2330–PS*; *2331–PS*; *2335–PS*; *2334–PS*; *2928–PS*; *2277–PS*; *2332–PS*; and *2333–PS*)

B. *The Nazi conspirators introduced the Leadership Principle into industrial relations.* In January 1934, a decree introduced the Leadership Principle (*Fuehrerprinzip*) into industrial relations, the entrepreneur becoming the leader and the workers becoming his followers. (*1861–PS*)

C. *The Nazi conspirators supplanted independent unions by an affiliated Party organization, the German Labor Front* (*DAF*).

(1) *They created the German Labor Front.* On the day the Nazis seized the Free Trade Unions, 2 May 1933, they publicly announced that a "united front of German workers" with Hitler as honorary patron would be formed at a Workers' Congress on 10 May 1933. (*2224–PS*)

Ley was appointed "leader of the German Labor Front"

(*Deutsche Arbeitsfront*, or "DAF") on 10 May 1933 (*1940–PS*). The German Labor Front succeeded to the confiscated property of the suppressed trade union. It was an affiliated organization of the NSDAP, subject to the Leadership Principle; Ley was concurrently Reich Organization Leader (*Reichsorganisationsleiter*) and leader of the German Labor Front (*1814–PS*). The National Socialist Factory Cells Organization or NSBO contained the political leaders (*Politische Leiter*) of the NSDAP in the German Labor Front and those political leaders were given first preference in the filling of jobs in the DAF (*2271–PS*). The German Labor Front became the largest of the Party's organizations. At the outbreak of the war it had 23 million individual members and about 10 million corporative members who were members of organizations affiliated with it. (*2275–PS*)

(2) *They utilized the German Labor Front as an instrument to impose their ideology on the masses, to frustrate potential resistance, and to insure effective control of the productive labor capacity of Germany.* The DAF was charged with the ideological orientation of the broad masses of Germans working in the factories. Its leaders were charged with weeding out potential opponents to National Socialism from the ranks of the DAF and from employment in industry. In its surveillance functions, the German Labor Front relied on Gestapo reports and on its own intelligence service (*2336–PS*). The German Labor Front took over the leadership of the German Cooperatives with the view to their subsequent liquidation (*2270–PS*). The Nazi conspirators established Factory Troops (*Werkscharen*) within the Strength Through Joy branch of the German Labor Front as an "ideological shock squad (*Weltanschaulicher Stosstrupp*) within the factory" (*1817–PS*). These shock squads were formed only of voluntary members ready "to fight" for Nazi conceptions. Among their objects were the speeding up of labor effort and the forging of a "single-willed community" (*1818–PS*). The SA was charged with the promotion and building up of Factory Troops by all means. When a factory worker joined the Factory Troops, he automatically became an SA candidate. Factory Troops were given a special uniform and their physical training took place within SA cadre units. (*2230–PS*)

During the war, the German Labor Front was made responsible for the care of foreign labor employed within the Reich (*1913–PS*). Barely two years after the suppression of the independent unions and the creation of the German Labor Front, the Nazi conspirators decreed compulsory labor service (*Reichsar-*

beitsdienst) under which young men and women between 18 and 25 years of age were conscripted for labor service under the administration of the Reich Minister of Interior, Frick. (*1389–PS*)

After war had been declared, the Nazi conspirators openly admitted the objectives of the Nazis' control over labor. A publication of the Scientific Institute of the German Labor Front declared that it had been difficult to make the German people understand continuous renunciations in social conditions because all the nation's strength had been channeled into armaments (*Wehrhaftigkeit*) for "the anticipated clash with an envious surrounding world" (*2276–PS*). Addressing workers five days after the launching of war on Poland, Ley admitted that the Nazis had mobilized all the resources and energies of Germany for seven years "so as to be equipped for the supreme effort of battle" and that the First World War had not been lost because of cowardice of German soldiers, "but because dissension and discord tore the people asunder" (*1939–PS*). Ley's confidence in the Nazis' effective control over the productive labor capacity of Germany in peace or war was declared as early as 1936 to the Nurnberg Party Congress:

> "The idea of the Factory Troops is making good progress in the plants, and I am able to report to you, my Fuehrer, that security and peace in the factories has been guaranteed, not only in normal times, but also in times of the most serious crisis. Disturbances such as the munitions strikes of the traitors Ebert and confederates, are out of the question. *National Socialism has conquered the factories. Factory Troops are the National Socialist shock troops within the factory, and their motto is: THE FUEHRER IS ALWAYS RIGHT.*" (*2283–PS*)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO DESTRUCTION OF THE FREE TRADE UNIONS AND ACQUISITION OF CONTROL OVER THE PRODUCTIVE LABOR CAPACITY

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a)	I	5
	International Military Tribunal, Indictment Number 1, Section IV (D) 3 (c) (1)	I	19
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*392-PS	Official NSDAP circular entitled "The Social Life of New Germany with Special Consideration of the German Labor Front", by Prof. Willy Mueller (Berlin, 1938). (USA 326)	III	380
*404-PS	Excerpts from Hitler, Mein Kampf, pp. 456, 475. (USA 256)	III	385
405-PS	Law Concerning Trustees of Labor, 19 May 1933. 1933 Reichsgesetzblatt, Part I, p. 285	III	387

Document	Description	Vol.	Page
614-PS	Proclamation of the Action Committee for the Protection of German Labor, 2 May 1933. Documents of German Politics, Vol. I, p. 151-3	III	447
1389-PS	Law creating Reich Labor Service, 26 June 1935. 1935 Reichsgesetzblatt, Part I, p. 769.	III	963
*1678-PS	Speech of Dr. Robert Ley. Documents of German Politics, Vol. V, pp. 373, 376. (USA 365)	IV	190
1770-PS	Law concerning factory representative councils and economic organizations, 4 April 1933. 1933 Reichsgesetzblatt, Part I, p. 161	IV	343
*1814-PS	The Organization of the NSDAP and its affiliated associations, from Organization book of the NSDAP, editions of 1936, 1938, 1940 and 1943, pp. 86-88. (USA 328)	IV	411
1817-PS	Bureau for factory troops, from Organization Book of the NSDAP, 1936 edition, p. 211	IV	457
1818-PS	Bureau for Factory troops and training, from Organization Book of the NSDAP, 1940 edition, pp. 195-196b	IV	457
1861-PS	Law on the regulation of National labor, 20 January 1934. 1934 Reichsgesetzblatt, Part I, p. 45	IV	497
*1913-PS	Agreement between Plenipotentiary General for Arbeitseinsatz and German Labor Front concerning care of non-German workers. 1943 Reichsgesetzblatt, Part I, p. 588. (USA 227)	IV	547
1939-PS	Speech by Ley published in Forge of the Sword, with an introduction by Marshal Goering, pp. 14-17	IV	581

Document	Description	Vol.	Page
1940-PS	Fuehrer edict appointing Ley leader of German Labor Front. Voelkischer Beobachter, Munich (Southern German) edition. p. 1...	IV	584
1947-PS	Letter from von Fritsch, 11 December 1938, concerning need of Germany to be victorious over working class, Catholic Church and Jews........................	IV	585
2005-PS	Second law integrating the "Laender" with the Reich, 7 April 1933. 1933 Reichsgesetzblatt, Part I, p. 173.......................	IV	641
2050-PS	The Constitution of the German Reich, 11 August 1919. 1919 Reichsgesetzblatt, Part I, p. 1383..	IV	662
*2224-PS	The End of the Marxist Class Struggle, published in National Socialist Party Press Agency, 2 May 1933, pp. 1-2. (USA 364)....	IV	864
2225-PS	The Front of German Workers has been Erected, published in National Socialist Party Press Agency, 3 May 1933, p. 1.........	IV	868
2226-PS	The Labor Front Stands, published in National Socialist Party Press Agency, 4 May 1933, p. 2....	IV	869
2228-PS	Order issued by German Labor Front, published in National Socialist Party Press Agency, 26 June 1933, p. 5.....................	IV	869
2230-PS	Agreement between Ley and Lutze, chief of staff of SA, published in Organization Book of NSDAP, 1938, pp. 484-485b, 486c..	IV	871
2270-PS	Coordination of Cooperatives, published in National Socialist Party Press Agency release of 16 May 1933..................	IV	938

Document	Description	Vol.	Page
2271–PS	The National Socialist Factory Cells Organization, published in Organization Book of NSDAP, pp. 185–187	IV	940
2275–PS	The German Labor Front, published in Nature - Aim - Means. Footnote on p. 11	IV	949
2276–PS	The German Labor Front, published in Nature - Aim - Means. p. 55	IV	950
*2277–PS	Affidavit, 17 October 1945, of Gustav Schiefer, Chairman of General German Trade Union Association, Local Committee, Munich, in 1933. (USA 748)	IV	951
*2283–PS	The Fifth Day of the Party Congress, from Voelkischer Beobachter, Munich (Southern German) Edition, Issue 258, 14 September 1936. (USA 337)	IV	971
*2330–PS	Order of Protective Custody, Police Directorate of Nurnberg-Fuerth of Josef Simon, Chairman of German Shoemaker's Union, 29 August 1935. (USA 237)	IV	1038
*2331–PS	Declaration required of union leader Josef Simon upon his release from Protective Custody by Bavarian Political Police, 20 December 1935. (USA 743)	IV	1039
2332–PS	Death certificate, Flossenburg Concentration Camp, concerning union leader Staimer and official letter to his wife, 22 December 1941	IV	1040
*2333–PS	Death certificate, Flossenburg Concentration Camp, concerning union leader Herrmann, and official letter to his wife, 29 December 1941. (USA 744)	IV	1040

Document	Description	Vol.	Page
*2334–PS	Affidavits of Lorenz Hagen, Chairman of Local Committee, German Trade Unions, Nurnberg. (USA 238)	IV	1041
*2335–PS	Affidavits of Josef Simon, Chairman of German Shoemakers' Union in 1933. (USA 749)	IV	1046
2336–PS	Special Circular on Securing of association of German Labor Front against hidden Marxist sabotage, 27 June 1933	IV	1052
2411–PS	Chart of unions of workers and employees, from Statistical Yearbook for German Reich, 1932, p. 555	V	87
*2895–PS	Joint affidavit of union leaders Simon, Hagen, and Lex, 13 November 1945. (USA 754)	V	563
*2928–PS	Affidavit of Mathias Lex, deputy president of the German Shoemakers Union. (USA 239)	V	594
Statement XII	Political Testament of Robert Ley, written in Nurnberg prison, October 1945	VIII	742
Statement XIII	Outline of Defense of Dr. Robert Ley, written in Nurnberg prison, 24 October 1945	VIII	749

6. SUPPRESSION OF THE CHRISTIAN CHURCHES

A. *The Nazi conspirators sought to subvert the influence of the churches over the people of Germany.*

(1) *They sought to eliminate the Christian Churches in Germany.*

(*a*) *Statements of this aim.* Martin Bormann stated in a secret decree of the Party Chancellery signed by him and distributed to all Gauleiters 7 June 1941:

"Our National Socialist ideology is far loftier than the con-

> cepts of Christianity, which in their essential points have been taken over from Jewry * * *. A differentiation between the various Christian confessions is not to be made here * * * the Evangelical Church is just as inimical to us as the Catholic Church. * * * All influences which might impair or damage the leadership of the people exercised by the Fuehrer with the help of the NSDAP must be eliminated. More and more the people must be separated from the churches and their organs the pastors. * * * Just as the deleterious influences of astrologers, seers and other fakers are eliminated and suppressed by the State, so must the possibility of church influence also be totally removed. * * * Not until this has happened, does the state leadership have influence on the individual citizens. Not until then are the people and Reich secure in their existence for all time." (*D-75*)

Hans Kerrl, Reich Minister for Church Affairs, in a letter dated 6 September 1939 to a Herr Stapel, which indicated that it would be brought to the attention of the Confidential Council and of the defendant Hess, made the following statements:

> "The Fuehrer considers his efforts to bring the Evangelical Church to reason, unsuccessful and the Evangelical Church with respect to its condition rightfully a useless pile of sects. As you emphasize the Party has previously carried on not only a fight against the political element of the Christianity of the Church, but also a fight against membership of Party Members in a Christian confession. * * *
>
> "The Catholic Church will and must, according to the law under which it is set up, remain a thorn in the flesh of a Racial State * * *." (*129-PS*)

Gauleiter Florian, in a letter dated 23 September 1940 to the defendant Hess, stated:

> "The churches with their Christianity are the danger against which to fight is absolutely necessary." (*064-PS*)

Regierungsrat Roth, in a lecture 22 September 1941, to a group of Security Police, in the Reich Main Security Office (RSHA) concluded his address on Security Police (*Sipo*) measures for combatting church politics and sects with the following remarks:

> "The immediate aim: the church must not regain one inch of the ground it has lost. The ultimate aim: Destruction of the Confessional Churches to be brought about by the collection of all material obtained through the intelligence service *(Nachrichtendienst)* activities which will at a given time be produced as evidence for the charge of treasonable activities during the German fight for existence." (*1815-PS*)

The Party Organization Book states:

> "Bravery is valued by the SS man as the highest virtue of men in a struggle for his ideology.

> "He openly and unrelentingly fights the most dangerous enemies of the State; Jews, Free Masons, Jesuits, and political clergymen.
>
> "However, he recruits and convinces the weak and inconstant by his example, who have not been able to bring themselves to the National Socialistic ideology." (*1855-PS*)

(*b*) *The Nazi conspirators promoted beliefs and practices incompatible with Christian teachings.* The 24th point of the Program of the NSDAP, unchanged since its adoption in 1920, is as follows:

> "We demand freedom of religion for all religious denominations within the state so long as they do not endanger its existence or oppose the moral senses of the germanic race. The Party as such advocates the standpoint of a positive Christianity without binding itself confessionally to any one denomination. It combats the Jewish materialistic spirit within and around us, and is convinced that a lasting recovery of our nation can only succeed from within on the framework: common utility precedes individual utility." (*1708-PS*)

In official correspondence with the defendant Rosenberg in 1940, Bormann stated:

> "Christian religion and National Socialist doctrines are not compatible. * * * The churches cannot be subjugated through compromise, only through a new philosophy as prophesied in Rosenberg's works."

He then proposed creation of a National Socialist Catechism to provide a "moral foundation" for a National Socialist religion which is gradually to supplant the Christian churches. He stated the matter was so important it should be discussed with members of the Reich Cabinet as soon as possible and requested Rosenberg's opinion before the meeting. (*098-PS*)

In a secret decree of the Party Chancellery, signed by Bormann and distributed to all *Gauleiters* on 7 June 1941, the following statements appeared:

> "When we National Socialists speak of a belief in God, we do not understand by God, like naive Christians and their spiritual opportunists, a human-type being, who sits around somewhere in the sphere * * *. The force of natural law, with which all these innumerable planets move in the universe, we call the Almighty, or God. The claim that this world force * * * can be influenced by so-called prayers or other astonishing things is based upon a proper dose of naiveté or on a business shamelessness.

> "As opposed to that we National Socialists impose on ourselves the demand to live naturally as much as possible, i.e., biologically. The more accurately we recognize and observe the laws of nature and of life, the more we adhere to them, so much the more do we conform to the will of the Almighty. The more insight we have into the will of the Almighty, the greater will be our successes." (*D–75*)

Rosenberg in his book "The Myth of the 20th Century" advocated a new National Socialist faith or religion to replace the Christian confessions in Germany. He stated that the Catholic and Protestant churches represent "negative Christianity" and do not correspond to the soul of the "Nordic racially determined peoples"; that a German religious movement would have to declare that the idea of neighborly love is unconditionally subordinated to national honor; that national honor is the highest human value and does not admit of any equal valued force such as Christian love. He predicted:

> "A German religion will, bit by bit, present in the churches transferred to it, in place of the crucifixion the spirit of fire —the heroic—in the highest sense." (*2349–PS*)

The Reich Labor Service *(Reichsarbeitsdienst),* a National Socialist youth organization, was prohibited from participating in religious celebrations of any kind, and its members were instructed to attend only the parts of such ceremonies as weddings and funerals which took place before or after the church celebration. (*107–PS*)

The Nazi conspirators considered religious literature undesirable for the Wehrmacht. National Socialist publications were prepared for the Wehrmacht for the expressed purpose of replacing and counteracting the influence of religious literature dissiminated to the troops. (*101–PS*; *100–PS*; *064–PS*)

The Nazi conspirators through Rosenberg's Office for Supervision of the Ideological Training and Education of the NSDAP and the Office of the Deputy of the Fuehrer "induced" the substitution of National Socialist mottoes and services for religious prayers and services in the schools of Germany. (*070–PS*)

On 14 July 1939, Bormann, as Deputy of the Fuehrer, issued a Party regulation excluding clergymen, persons closely connected with the church, and Theology students from membership in the Party. It was further decreed that in the future Party Members who entered the clergy or turned to the study of Theology must leave the Party. (*840–PS*)

(*c*) *The Nazi conspirators persecuted priests, clergy and members of monastic orders.* The priests and clergy of Germany were subjected by the police to systematic espionage into their daily lives. The Nazi conspirators through the Chief of the Reich Main Security Office (RSHA) maintained a special branch of the Security Police and Security Service (Sipo/SD) whose duties were to investigate the churches and maintain constant surveillance upon the public and private lives of the clergy. (*1815–PS*)

At a conference of these police "church specialists" called by Heydrich, who was then SS Gruppenfuehrer and Chief of the Reich Main Security Office (RSHA), in Berlin, 23 September 1941, SS Sturmbannfueherer Hartl, acting for Heydrich, stated that the greatest importance was to be attached to church political activity. The intelligence network in this field, he continued, was to be fostered with the greatest of care and enlarged with the recruitment of informants, particular value being attached to contacts with church circles. He closed his lecture with the following words:

> "Each of you must go to work with your whole heart and a true fanaticism. Should a mistake or two be made in the execution of this work, this should in no way discourage you, since mistakes are made everywhere. The main thing is that the enemy should be constantly tackled with determination, will, and effective initiative." (*1815–PS*)

In a letter of 22 October 1941, Heydrich, as Chief of the Reich Main Security Office (RSHA) issued detailed instructions to all State Police Offices outlining the organization of the Catholic Church and directing close surveillance of the activities, writings, and reports of the Catholic clergy in Germany. In this connection he directed:

> "Reports are also to be submitted on those Theological students destined for Papal Institutes, and Priests returning from such institutes to Germany. Should the opportunity arise of placing someone for intelligence (*Nachrichtendienst*) purposes in one of these Institutes, in the guise of a Theological student, we should receive immediate notification." (*1815–PS*)

Priests and other members of the clergy were arrested, fined, imprisoned, and otherwise punished by executive measures of the police without judicial process. In his lecture before a conference at the Reich Main Security Office (RSHA) in Berlin, for "church specialists," of the Security Police, 22 November 1941, *Regierungsrat* Roth stated (*1815–PS*):

> "It has been demonstrated that it is impracticable to deal with political offenses (malicious) under normal legal procedure. Owing to the lack of political perception which still

> prevails among the legal authorities, suspension of this procedure must be reckoned with. The so-called "Agitator-Priests" must therefore be dealt with in future by Stapo measures, and, if the occasion arises, be removed to a Concentration Camp, if agreed upon by the RSHA.
>
> "The necessary executive measures are to be decided upon according to local conditions, the status of the person accused, and the seriousness of the case—as follows:
>
> 1. Warning
> 2. Fine
> 3. Forbidden to preach
> 4. Forbidden to remain in parish
> 5. Forbidden all activity as a priest
> 6. Short-term arrest
> 7. Protective custody."

Members of monastic orders were forced by the seizure and confiscation of their properties to give up their established place of abode and seek homes elsewhere (*R-101-A*; *R-101-D*). A secret order of the SS Economic Administration Office to all Concentration Camp Commanders, dated 21 April 1942, concerning labor mobilization of clergy, reveals that clergymen were at that time, and had previously been, incarcerated in Concentration Camps. (*1164-PS)*

On the death of von Hindenburg, the Reich Government ordered the ringing of all church bells on the 2nd, 3rd and 4th August 1934. In Bavaria, there were many instances of failure to comply with this order. The Bavarian police submitted a report outlining the above situation and stating that in three cases the taking into protective custody of recalcitrant clergy could not be avoided.

> "The Parish priest, Father Johann Quinger of Altenkunstadt BA., Lichtenfels. He was taken into protective custody on 3 August on the express order of the State Ministry of the Interior, because he assaulted SA leaders and SA men who were ringing the bells against his wishes. He was released from custody on 10 August 1934.
>
> "The Parish priest, Father Ludwig Obholzer of Kiefersfelden, BA Rosenheim. For his personal safety he was in police custody from 2400 hours on the 2 August 1934, till 1000 hours on 3 August 1934. On 5 August 1934, he said sarcastically in his sermon, referring to the SA men who had carried out the ringing of the funeral knell on their own account, 'Lord forgive them, for they know not what they do'!
>
> "The Parish priest, Father Johann Nepomuk Kleber of Wie-

> felsdorf, BA Burglengenfeld, refused to ring the church bells on the 2nd and 3rd. He is badly tainted politically and had to be taken into protective custody from the 5th to the 8th of August 34 in the interests of his own safety." (*1521–PS*)

After Hitler's rise to power, Bishop Sproll of Rottenburg delivered a series of sermons regarded by the Nazis as damaging, and on 10 April 1938 he refrained from voting in the plebiscite. For this, the Reich Governor of Wuertemberg declared he would no longer regard Bishop Sproll as head of the Diocese of Rottenburg; made an official request that he leave the Gau; and declared he would see to it that all personal and official intercourse between the Bishop and the State and Party offices as well as the Armed Forces would be denied (*849–PS*). For his alleged failure to vote in the plebiscite, of 10 April 1938, the Party caused three demonstrations to be staged against the Bishop and his household in Rottenburg. The third demonstration was described as follows in a teletype message from Gestapo Office Stuttgart to Gestapo Office Berlin:

> "The Party on 23 July 1938 from 2100 on carried out the third demonstration against Bishop Sproll. Participants about 2,500-3,000 were brought in from outside by bus, etc. The Rottenburg populace again did not participate in the demonstration. The town took rather a hostile attitude to the demonstrations. The action got completely out of hand of the Party Member responsible for it. The demonstrators stormed the palace, beat in the gates and doors. About 150 to 200 people forced their way into the palace, searched the rooms, threw files out of the windows and rummaged through the beds in the rooms of the palace. One bed was ignited. Before the fire got to the other objects of equipment in the rooms and the palace, the flaming bed could be thrown from the window and the fire extinguished. The Bishop was with Archbishop Groeber of Freiburg and the ladies and gentlemen of his menage in the chapel at prayer. About 25 to 30 people pressed into this chapel and molested those present. Bishop Groeber was taken for Bishop Sproll. He was grabbed by the robe and dragged back and forth. Finally the intruders realized that Bishop Groeber is not the one they are seeking. They could then be persuaded to leave the building. After the evacuation of the palace by the demonstrators I had an interview with Archbishop Groeber, who left Rottenburg in the night. Groeber wants to turn to the Fuehrer and Reich Minister of the Interior Dr. Frick anew. On the course of the action, the damage done as well as the homage

> of the Rottenburg populace beginning today for the Bishop I shall immediately hand in a full report, after I am in the act of suppressing counter mass meetings." (*848–PS*)

Reich Minister for Church Affairs Kerrl and other Party officials alleged that these demonstrations were spontaneously staged by indignant citizens of Rottenburg and caused representations to be made to the Holy See in an effort to effect the Bishop's removal from office. (*849–PS*)

On or about 3 December 1941, a copy of a secret decree of the Party Chancellery on the subject of Relationship of National Socialism to Christianity was found by the Security Police in the possession of Protestant Priest Eichholz at Aix-la-Chapelle. For this he was arrested and held for questioning for an unknown period of time. (*D-75*)

(*d*) *The Nazi conspirators confiscated church property.* On 20 January 1938, the Gestapo District Office at Munich issued a decree dissolving the Guild of the Virgin Mary of the Bavarian Diocese, together with its branches and associations. The decree also stated:

> "The property belonging to the dissolved Guild is to be confiscated by the police. Not only is property in cash to be confiscated, but also any stock on hand and other objects of value. All further activity is forbidden the dissolved Guilds, particularly the foundation of any organization intended as a successor or as a cover. Incorporation as a body into other women's societies is also to be looked on as a forbidden continuation of activity. Infringements against the above prohibition will be punished according to par. 4 of the order of 28.2.1933."

The reasons for the dissolution and confiscation were that the Guild of the Virgin Mary had occupied itself for years "to a most far-reaching degree" with arrangements of a "worldly and popular sporting character" such as community games and "social evenings"; and further that the president of the society supplied the members with "seditious materials" which served for "seditious discussions"; and that the members of the Guild were trained and mobilized for "political and seditious tasks." (*1481–PS*)

In a lecture delivered to a conference of police investigators of Church Affairs assembled in the lecture hall of the Reich Main Security Office (RSHA) in Berlin, 22 September 1941, *Regiersrungsrat* Roth stated that about 100 monasteries in the Reich had been dissolved and pointed out that the proper procedure called for seizure of the churches at the same time the monasteries were dissolved. (*1815–PS*)

In February 1940, SS Gruppenfuehrer Heydrich suggested to Himmler the seizure of monasteries for the accommodation of Racial Germans. He proposed that the authorities of the monastic orders be instructed to make the monasteries concerned available and move their own members to less populous monasteries. He pointed out that the final expropriation of properties thus placed at their disposal could be carried out step by step in the course of time. Himmler agreed to this proposal and ordered the measure to be carried out by the Security Police and Security Service (*Sipo* and *SD*) in collaboration with the Reich Commissioner for Consolidation of German Folkdom. (*R–101–A*)

These orders for confiscation were carried out, as revealed in a letter dated 30 March 1942 from the Reich Main Security Office (RSHA) Chief of Staff to Himmler mentioning claims for compensation pending in a number of confiscation cases. In this letter he stated that all rental payments to those monasteries and ecclesiastical institutions whose premises had been put to use as camps for resettlers had been stopped on receipt of Himmler's order. Concerning current developments, he stated:

> "After further preparations in which the Party Chancellery participated prominently, the Reich Minister of the Interior found a way which makes it possible to seize ecclesiastical premises practically without compensation and yet avoids the impression of being a measure directed against the Church. * * *" (*R–101–D*)

In a letter of 19 April 1941, Bormann advised Rosenberg that libraries and art objects of the monasteries confiscated in the Reich were to remain for the time being in these monasteries and that the Fuehrer had repeatedly rejected the suggestion that centralization of all such libraries be undertaken. (*072–PS*)

(e) The Nazi conspirators suppressed religious publications. On 6 November 1934, Frick, as Reich and Prussian Minister of the Interior, issued an order forbidding until further notice publication of all announcements in the daily press, in pamphlets and other publications, which dealt with the Evangelical Church; with the exception of official announcements of the Church Government of the Reich. (*1498–PS*)

By order of the State Police for the District of Duesseldorf, the Police Regulation which is quoted in part below was promulgated 28 May 1934:

> "The distribution and sale of published items of any sort in connection with worship or religious instructions in public streets or squares near churches is forbidden. In the same sense the distribution and sale of published items on the oc-

> casions of processions, pilgrimages and similar church institutions in the streets or squares they pass through or in their vicinity is prohibited." (*R–145*)

In January 1940, Bormann informed Rosenberg that he had sought to restrict production of religious publications by means of having their rations of printing paper cut down through the control exercised by Reichsleiter Amann, but that the result of these efforts remained unsatisfactory. (*101–PS*)

In March 1940, Bormann instructed Reichleiter Amann, Director of the NSDAP Publications Office, that in any future redistribution of paper, confessional writings should receive still sharper restrictions in favor of literature politically and ideologically more valuable. He went on to point out:

> "* * * according to a report I have received, only 10% of the over 3000 Protestant periodicals appearing in Germany, such as Sunday papers, etc. have ceased publication for reasons of paper saving." (*089–PS*)

In April 1940, Bormann informed the High Command of the Navy that use of the term "Divine Service" to refer exclusively to the services arranged by Christian Confessions was no longer to be used, even in National Socialist daily papers. In the alternative he suggested:

> "In the opinion of the Party the term 'Church Service' cannot be objected to. I consider it fitting since it properly implies meetings arranged and organized by the *Churches*." (*068–PS*)

(*f*) *The Nazi conspirators suppressed religious organizations.* On 28 May 1934, the State Police Office for the District of Duesseldorf issued an order concerning denominational youth and professional organizations which stated in part as follows:

> "Denominational youth and professional organizations as well as those created for special occasions only are prohibited from every public activity outside the church and religious sphere.
>
> "Especially forbidden is: Any public appearance in groups, all sorts of political activity. Any public sport function including public hikes and establishment of holiday or outdoor camps. The public display or showing of flags, banners, pennants or the open wearing of uniforms or insignia." (*R–145*)

On 20 July 1935, Frick, as Reich and Prussian Minister of the Interior, issued secret instructions to the provincial governments and to the Prussian Gestapo that Confessional youth organizations were to be forbidden to wear uniforms, or uniform-like clothing, to assemble publicly with pennants and flags, to wear insignia as a substitute for uniforms, or to engage in any outdoor sport activity. (*1482–PS*)

On 20 January 1938 the Gestapo District Office at Munich, issued a decree which stated in part as follows:

> "The Guild of the Virgin Mary *(die Marianisch Jungfrauenkongregation)* of the Bavarian dioceses, including the diocese of Speyere, together with its branches and associations and the Societies of Our Lady *(Jungfrauenvereinen)* attached to it, is by police order to be dissolved and forbidden with immediate effect."

Among the reasons cited for this action were the following:

> "The whole behavior of the Guild of the Virgin Mary had therefore to be objected to from various points of view. It could be repeatedly observed that the Guild engaged in purely worldly affairs, such as community games, and then in the holding of 'Social Evenings'.
>
> "This proves incontestably that the Guild of the Virgin Mary was active to a very great degree in a manner unecclesiastical and therefore worldly. By so doing it has left the sphere of its proper religious task and entered a sphere of activity to which it has no statutory right. The organization has therefore to be dissolved and forbidden." (*1481–PS*)

According to the report of a Security Police "church specialist" attached to the State Police Office at Aachen, the following points were made by a lecturer at a conference of Security Police and Security Service church intelligence investigators in Berlin, on 22 September 1941:

> "Retreats, recreational organizations, etc., may now be forbidden on ground of industrial war-needs, whereas formerly only a worldly activity could be given as a basis.
>
> "Youth camps, recreational camps are to be forbidden on principle, church organizations in the evening may be prevented on grounds of the blackout regulations.
>
> "Processions, pilgrimages abroad are to be forbidden by reason of the over-burdened transport conditions. For local events too technical traffic troubles and the danger of air-attack may serve as grounds for their prohibition. (One Referent forbade a procession, on the grounds of it wearing out shoe leather)." (*1815–PS*)

(*g*) *The Nazi conspirators suppressed religious education.* In a speech on 7 March 1937, Rosenberg stated:

> "The education of youth can only be carried out by those who have rescued Germany from disaster. It is therefore

> impossible to demand one Fuehrer, one Reich and one firmly united people as long as education is carried out by forces which are mutually exclusive to each other." (*2351–PS*)

In a speech at Fulda, 27 November 1937 Reich Minister for Church Affairs Hans Kerrl stated:

> "We cannot recognize that the Church has a right to insure that the individual should be educated in all respects in the way in which it holds to be right; but we must leave it to the National Socialist State to educate the child in the way it regards as right." (*2352–PS*)

In January 1939, Bormann, acting as Deputy of the Fuehrer, informed the Minister of Education, that the Party was taking the position that theological inquiry was not as valuable as the general fields of knowledge in the universities and that suppression of Theological Faculties in the universities was to be undertaken at once. He pointed out that the Concordat with the Vatican placed certain limitations on such a program, but that in the light of the general change of circumstances, particularly the compulsory military service and the execution of the four-year plan, the question of manpower made certain reorganizations, economies and simplification necessary. Therefore, Theological Faculties were to be restricted insofar as they could not be wholly suppressed. He instructed that the churches were not to be informed of this development and no public announcement was to be made. Any complaints, if they were to be replied to at all, should be answered with a statement that these measures are being executed in a general plan of reorganization and that similar things are happening to other faculties. He concludes with the statement that the professorial chairs vacated by the above program are to be turned over to the newly created fields of inquiry, such as Racial Research. (*116–PS*)

A plan for the reduction of Theological Faculties was submitted by the Reich Minister for Science, Education and Training in April 1939 to Bormann, who forwarded it to Rosenberg for consideration and action. The plan called for shifting, combining and eliminating Theological Faculties in various schools and universities throughout the Reich, with the following results:

> "To recapitulate this plan would include the complete closing of Theological Faculties at Innsbruck, Salzburg and Munich, the transfer of the faculty of Graz to Vienna and the vanishing of four Catholic faculties.
>
> "*a.* Closing of three Catholic Theological Faculties or Higher Schools and of four Evangelic Faculties in the winter semester 1939/40.

> "*b*. Closing of one further Catholic and of three further Evangelic Faculties in the near future." (*122–PS*)

In a secret decree of the Party Chancellery, signed by Bormann, and distributed to all Gauleiters on 7 June 1941, the following statement concerning religious education was made:

> "No human being would know anything of Christianity if it had not been drilled into him in his childhood by pastors. The so-called dear God in no wise gives knowledge of his existence to young people in advance, but in an astonishing manner in spite of his omnipotence leaves this to the efforts of the pastors. If therefore in the future our youth learns nothing more of this Christianity, whose doctrines are far below ours, Christianity will disappear by itself." (*D–75*)

(2) *Supplementary evidence of acts of suppression within Germany.* In laying the groundwork for their attempted subversion of the Church, the Nazi conspirators resorted to assurances of peaceful intentions. Thus Hitler, in his address to the Reichstag on 23 March 1933 declared:

> "While the government is determined to carry through the political and moral purging of our public life, it is creating and insuring prerequisites for a truly religious life. The government sees in both Christian confessions the factors most important for the maintenance of our Folkdom. It will respect agreements concluded between them and the states. However, it expects that its work will meet with a similar appreciation. The government will treat all other denominations with equal objective justice. However, it can never condone that belonging to a certain denomination or to a certain race might be regarded as a license to commit or tolerate crimes. The Government will devote its care to the sincere living together of Church and State." (*3387–PS*)

(*a*) *Against the Evangelical Churches.* The Nazi conspirators, upon their accession to power, passed a number of laws, under innocent-sounding titles, designed to reduce the Evangelical Churches to the status of an obedient instrument of Nazi policy. The following are illustrative:

Document Number	Date	Reichsgesetzblatt—Page	Title and Gist of Law	Signed by
3433–PS	14.7.33	I.471	*Gesetz ueber die Verfassung der Deutschen Evangelischen Kirche* (Law concerning the Constitution of the German Evangelical Church), establishing among other things the new post of Reich Bishop.	Hitler Frick
3434–PS	26.6.35	I.774	*Gesetz ueber das Beschlussverfahren in Rechtsangelegenheiten der Evangelisschen Kirche* (Law concerning procedure for decisions in legal affairs of the Evangelical Church), giving the Reich Ministry of the Interior sole authority to determine the validity of measures taken in the Churches since 1 May 1933, when raised in a civil lawsuit.	Hitler Frick
3435–PS	3.7.35	I.851	*Erste Verordnung zur Durchfuehrung des Gesetzes ueber das Beschluss-verfahren in Rechtsangelegenheiten der Evangelischen Kirche* (First Ordinance for Execution of the Law concerning procedure for decisions in legal affairs of the Evangelical Church), setting up detailed organization and procedures under the law of 26 June 1935.	Frick
3466–PS	16.7.35	I.1029	*Erlass ueber die Zusammenfassung der Zustaendigkeiten des Reichs und Preussens in Kirchenangelegenheiten* (Decree to unite the competences of Reich and Prussia in Church affairs) transferring to Kerrl, Minister without Portfolio, the church affairs previously handled by Reich and Prussian Ministers of	Hitler Rust Koerner

Document Number	Date	Reichsgesetzblatt—Page	Title and Gist of Law	Signed by
			the Interior and of Science, Education, and Training.	
3436–PS	24.9.35	I.1178	*Gesetz zur Sicherung der Deutschen Evangelischen Kirche* (Law for the Safeguarding of the German Evangelical Church) empowering the Reich Minister of Church Affairs (Kerrl) to issue Ordinances with binding legal force.	Hitler Kerrl
3437–PS	2.12.35	I.1370	*Fuenfte Verordnung Zur Durchfuehrung des Gesetzes zur Sicherung der Deutschen Evangelischen Kirche* (Fifth decree for execution of the law for the Safeguarding of the German Evangelical Church) prohibiting the churches from filling their pastorates, ordaining ministers, visitation, publishing of banns, and collecting dues and assessments.	Kerrl
3439–PS	25.6.37	I.697	*Fuenfzehnte Verordnung zur Durchfuehrung des Gesetzes zur Sicherung der Deutschen Evangelischen Kirche* (Fifteenth decree for the Execution of the Law for Security of the German Evangelical Church) establishing in the Reich Ministry for Church Affairs a Finance Department, to supervise administration of the church property budget, tax assessment, and use of budget funds.	Kerrl

With the help of their Reich Bishop, Bishop Mueller, they manoeuvered the Evangelical Youth Association into the Hitler Jugend under Von Schirach in December 1933. (*1458–PS*)

They arrested prominent Protestant leaders such as Pastor

Niemoeller. By 1937, the result of all these measures was complete administrative control by the Nazi conspirators over the Evangelical churches.

(*b*) *Against the Catholic Church.* Just as in their program against the Evangelical Churches, so in their attack on the Catholic Church, the Nazi conspirators concealed their real intentions under a cloak of apparent respect for its rights and protection of its activities. On 20 July 1933, a Concordat was concluded between the Holy See and the German Reich, signed for the Reich by Von Papen (*3280–A–PS*). It was the Nazi Government, not the Church, which initiated the negotiations.

> "The German Government asked the Holy See to conclude a Concordat with the Reich." (*3268–PS*)

By Article I of the Concordat,

> "The German Reich guarantees freedom of profession and public practice of the Catholic religion.
>
> "It acknowledges the right of the Catholic Church, within the limit of those laws which are applicable to all, to manage and regulate her own affairs independently, and, within the framework of her own competence, to publish laws and ordinances binding on her members." (*3280–A–PS*)

Other articles formulated agreements on basic principles such as free communication between Rome and the local ecclesiastical authorities, freedom of the Catholic press, of Catholic education and of Catholic action in charitable, professional, and youth organizations. In return, the Vatican pledged loyalty by the clergy to the Reich Government and emphasis in religious instruction on the patriotic duties of the Christian citizen. (*3280–A–PS*)

In reliance upon assurances by the Nazi conspirators, the Catholic hierarchy had already revoked their previous prohibition against Catholics becoming members of the Nazi Party (*3389–PS*). The Catholic Center Party, under a combination of Nazi pressure and assurances, published on 29 December 1933, an announcement of its dissolution (*2403–PS*). Thus the Catholics went a long way to disarm themselves and cooperate with the Nazis. Nevertheless, the Nazi conspirators continued to develop their policy of slow strangulation of religion, first in covert, and then in open, violation of their assurances and agreements.

In the Encyclical *"Mit Brennender Sorge"*, on 14 March 1937, Pope Pius XI described the program:

> "It discloses intrigues which from the beginning had no other aim than a war of extermination. In the furrows in which we had labored to sow the seeds of true peace, others —like the enemy in Holy Scripture (Matt. xiii, 25)—sowed

> the tares of suspicion, discord, hatred, calumny of secret and open fundamental hostility to Christ and His Church, fed from a thousand different sources and making use of every available means. On them and on them alone and on their silent and vocal protectors rests the responsibility that now on the horizon of Germany there is to be seen not the rainbow of peace but the threatening storm clouds of destructive religious wars. * * * Anyone who has any sense of truth left in his mind and even a shadow of the feeling of justice left in his heart will have to admit that, in the difficult and eventful years which followed the Concordat, every word and every action of Ours was ruled by loyalty to the terms of the agreement; but also he will have to recognize with surprise and deep disgust that the unwritten law of the other party has been arbitrary misinterpretation of agreements, evasion of agreements, evacuation of the meaning of agreements, and finally more or less open violation of agreements." (*3280–PS*)

The Nazis suppressed the Catholic Youth League, beginning ten days after the concordat was signed. (See Section 8, infra.)

On 18 January 1942, in declining to accede to a demand made by the German Government that no further appointment of Archbishops, Bishops, and other high administrative dignitaries be made in the new territories of the Reich, or of certain of them within the old Reich, without previous consultation with the German Government (*3261–PS*), the Secretary of State of Pope Pius XII pointed to measures taken by the German Government,

> "Contrary not only to the existing Concordats and to the principles of international law ratified by the Second Hague conference, but often—and this is much more grave—to the very fundamental principles of divine law, both natural and positive."

The Papal Secretary of State continued:

> "Let it suffice to recall in this connection, among other things, the changing of the Catholic State elementary schools into undenominational schools; the permanent or temporary closing of many minor seminaries, of not a few major seminaries and of some theological faculties; the suppression of almost all the private schools and of numerous Catholic boarding schools and colleges; the repudiation, decided unilaterally, of financial obligations which the State, Municipalities, etc. had towards the Church; the increasing difficulties put in the way of the activity of the religious Orders and Congregations in the spiritual, cultural and social field

> and above all the suppression of Abbeys, monasteries, convents and religious houses in such great numbers that one is led to infer a deliberate intention of rendering impossible the very existence of the Orders and Congregations in Germany.
>
> "Similar and even graver acts must be deplored in the annexed and occupied territories, especially in the Polish territories and particularly in the *Reichsgau Wartheland,* for which the Reich Superintendent has issued, under date of September 13th last, a 'Decree concerning Religious Associations and Religious Societies' *(Verordnung ueber Religioese Vereinigungen und Religion-gesellschaften)* in clear opposition to the fundamental principles of the divine constitution of the Church." (*3261–PS*)

Illustrative of the numerous other cases and specific incidents which might be adduced as the program of suppression was carried into action within Germany proper, are the measures adopted beginning in 1936 to eliminate the priest Rupert Mayer of Munich. Because of his sermons, he was confined in various prisons, arrested and rearrested, interned in Oranienburg-Sachsenhausen concentration camp, and the Ettal Monastery, from which he was released by Allied troops in May 1945, and later died. (*3272–PS*)

(*c*) *Against other religious groups.*

Members of the sect known as *"Bibelforscher"*—meaning "Members of a Biblical Society" or "Bible-Researchers"—were as early as 1937 sent as a routine matter to concentration camps by the Gestapo, even after serving of a sentence imposed by a court or after the cancellation of an arrest order (*D–84*). At one camp alone—Dachau—there were over 150 *"Bibelforscher"* in protective custody in 1937. (*2928–PS*)

B. *Acts of suppression of the Christian Churches in Annexed and Occupied Territories.*

(1) *In Austria.* The methods of suppression of churches followed in Austria by the occupying power began with measures to exclude the Church from public activities, such as processions, printing of newspapers and Reviews which could spread Christian doctrines; from forming Youth organizations, such as Boy Scouts; from directing educational or charitable activities; and even from extending help in the form of food to foreigners. Unable in conscience to obey the public prescription, ministers of religions were arrested and sent to concentration camps, and some were executed. Churches were closed, convents and mon-

astries suppressed, and educational property confiscated. The total number of confiscations, suppressions, or alienations of religious institutions exceeded 100 cases in one diocese alone. (*3278–PS*)

The Lutheran Church in Austria, though comprising a small minority of the population, was subjected to organized oppression. Its educational efforts were obstructed or banned. Believers were encouraged, and sometimes intimidated, to repudiate their faith. Lutheran pastors were given to understand that a government position would be awarded to each one who would renounce his ministry and if possible withdraw from the Lutheran Church. (*3273–PS*)

In summation of the period of Nazi domination and in review of the attempted suppression of the Christian Church, the Archbishops and Bishops of Austria in their first joint Pastoral after liberation declared:

> "At an end also is an intellectual battle, the goal of which was the destruction of Christianity and the Church among our people; a campaign of lies and treachery against truth and love, against divine and human rights and against international law." (*3274–PS*)

(2) *In Czechoslovakia.* The Czechoslovak Official Report for the prosecution and trial of the German Major War Criminals by the International Military Tribunal established according to the Agreement of the Four Great Powers of 8 August, 1945 describes in summary form the measures taken by the Nazi conspirators to suppress religious liberties and persecute the churches. The following excerpts are quoted from this report (*998–PS*):

> "(*a*) *Catholic Church.*
>
> "* * * At the outbreak of war, 487 Catholic priests were among the thousands of Czech patriots arrested and sent to concentration camps as hostages. Venerable high ecclesiastical dignitaries were dragged to concentration camps in Germany. * * * Religious orders were dissolved and liquidated, their charitable institutions closed down and their members expelled or else forced to compulsory labor in Germany. All religious instruction in Czech schools was suppressed. Most of the weeklies and monthlies which the Catholics had published in Czechoslovakia, had been suppressed from the very beginning of the occupation. The Catholic gymnastic organization "Orel" with 800,000 members was dissolved and its property was confiscated. To a

great extent Catholic church property was seized for the benefit of the Reich.

"(*b*) *Czechoslovak National Church.*

"* * * The Czechoslovak Church in Slovakia was entirely prohibited and its property confiscated under German compulsion in 1940. It has been allowed to exist in Bohemia and Moravia but in a crippled form under the name of the Czecho-Moravian Church.

"(*c*) *Protestant Churches.*

"The Protestant Churches were deprived of the freedom to preach the gospel. German secret state police watched closely whether the clergy observed the restrictions imposed on it. * * * Some passages from the Bible were not allowed to be read in public at all. * * *

"* * * Church leaders were especially persecuted, scores of ministers were imprisoned in concentration camps, among them the General Secretary of the Students' Christian Movement in Czechoslovakia. One of the Vice-Presidents was executed.

"Protestant Institutions such as the YMCA and YWCA were suppressed throughout the country.

"The leading Theological School for all Evangelical denominations, HUS Faculty in Prague and all other Protestant training schools for the ministry were closed down in November 1939, with the other Czech universities and colleges.

"(*d*) *Czech Orthodox Church.*

"The hardest blow was directed against the Czech Orthodox Church. The Orthodox churches in Czechoslovakia were ordered by the Berlin Ministry of Church Affairs to leave the Pontificat of Belgrade and Constantinople respectively and to become subordinate to the Berlin Bishop. The Czech Bishop Gorazd was executed together with two other priests of the Orthodox Church. By a special order of the Protector Daluege, issued in September 1942, the Orthodox Church of Serbian Constantinople jurisdiction was completely dissolved in the Czech lands, its religious activity forbidden and its property confiscated.

"All Evangelical education was handed over to the civil authorities and many Evangelical teachers lost their employment; moreover the State grant to salaries of many Evangelical priests was taken away." (*998–PS*)

(3) *In Poland.* The repressive measures levelled against the Christian Church in Poland where Hans Frank was Governor-

General from 1939 to 1945, were even more drastic and sweeping. In protest against the systematic strangulation of religion, the Vatican, on 8 October 1942, addressed a memorandum to the German Embassy accredited to the Holy See in which the Secretariat of State emphasized the fact that despite previous protests to the Minister for Foreign Affairs of the Reich, von Ribbentrop, the religious condition of the Catholics in the *Warthegau* "has become even sadder and more tragic." This memorandum states:

> "For quite a long time the religious situation in the *Warthegau* gives cause for very grave and ever increasing anxiety. There, in fact, the Episcopate has been little by little almost completely eliminated; the secular and regular clergy have been reduced to proportions that are absolutely inadequate, because they have been in large part deported and exiled; the education of clerics has been forbidden; the Catholic education of youth is meeting with the greatest opposition; the nuns have been dispersed; insurmountable obstacles have been put in the way of affording people the helps of religions; very many churches have been closed; Catholic intellectual and charitable institutions have been destroyed; ecclesiastical property has been seized." (*3263–PS*)

On 18 November 1942 the Papal Secretary of State requested the Archbishop of Breslau, Cardinal Bertram, to use every effort to assist Polish Catholic workers transferred to Germany, who were being deprived of the consolations of religion. In addition, he again appealed for help for the Polish priests detained in various concentration camps, whose death rate was "still on the increase." (*3265–PS*). On 7 December 1942 the Cardinal Archbishop of Breslau replied that all possible efforts were being put forward by the German Bishops without success on behalf of the victims of concentration camps and labor battalions, and deplored "the intolerable decrees" against religious ministration to Poles. (*3266–PS*)

On 2 March 1943, the Cardinal Secretary of State addressed a note to von Ribbentrop, Reichsminister for Foreign Affairs, in which the violations of religious rights and conscience among the civilian population of Poland were set out in detail, and the time, locality, and character of the persecutions were specified. Priests and Ecclesiastics were still being arrested, thrust into concentration camps, and treated with scorn and derision, while many had been summarily executed. Religious instruction was hampered; Catholic schools were closed; the use of the Polish language in sacred functions and even in the Sacrament of Penance was forbidden. Even the natural right of marriage was denied to men of Polish nationality under 28 years of age to women under 25. In the territory called "General Government" similar conditions existed and against these the Holy See vigorously protested. To save the harassed and persecuted leaders of the Catholic Church, the Vatican had petitioned that they be allowed to emigrate to neutral countries of Europe or America. The only concession made was that they would all be collected in one concentration camp—Dachau. (*3264–PS*)

The Nazi conspirators adopted a dilatory and obstructionist policy toward complaints as to religious affairs in the overrun territories, and a decision was "taken by those competent to do so. * * * that no further consideration will be taken of proposals or requests concerning the territories which do not belong to the Old Reich." (*3262–PS*)

"Those competent" to make decisions on complaints as to religious affairs in the overrun territories—especially the Party Chancery, headed by Bormann—the methods they used, and the reasons for their attitude are outlined by the Cardinal Archbishop of Breslau, a German living in Germany, in a letter to the Papal Secretary of State on 7 December 1942 as follows:

> "Your Eminence knows very well the greatest difficulty in the way of opening negotiations comes from the overruling authority which the "National Socialist Party Chancery" *(Kanzlei der Nazional-sozialistischen Partei,* known as the *Partei-Kanzlei)* exercises in relation to the Chancery of the Reich *(Reichskanzlei)* and to the single Reich Ministries. This '*Parteikanzlei*' directs the course to be followed by the State, whereas the Ministries and the Chancery of the Reich are obliged and compelled to adjust their decrees to these directions. Besides, there is the fact that the "Supreme Office for the Security of the Reich" called the '*Reichssicherheitshauptamt*' enjoys an authority which precludes all legal action and all appeals. Under it are the 'Secret Offices for Public Security' called '*Geheime Staatspolizei*' (a title shortened usually to *Gestapo)* of which there is one for each Province. Against the decrees of this Central Office *(Reichssicherheitshauptamt)* and of the Secret Offices *(Geheime Staatspolizei)* there is no appeal through the Courts, and no complaint made to the Ministries has any effect. Not infrequently the Councillors of the Ministries suggest that they have not been able to do as they would wish to, because of the opposition of these Party offices. As far as the executive

> power is concerned, the organization called the SS, that is *Schutzstaffeln der Partei,* is in practice supreme.
>
> "This hastily sketched interrelation of authorities is the reason why many of the petitions and protests made by the Bishops to the Ministries have been foiled. Even if we present our complaints to the so-called Supreme Security Office, there is rarely any reply; and when there is, it is negative.
>
> "On a number of very grave and fundamental issues we have also presented our complaints to the Supreme Leader of the Reich *(Fuehrer).* Either no answer is given, or it is apparently edited by the above-mentioned Party Chancery, which does not consider itself bound by the Concordat made with the Holy See." (*3266–PS*)

The interchange of correspondence following the transmission of the above-described note of 2 March 1943 on the religious situation in the overrun Polish Provinces illustrates the same evasive tactics. (*3269–PS*)

In his Allocution to the Sacred College, on 2 June 1945, His Holiness Pope Pius XII recalled, by way of example, "some details from the abundant accounts which have reached us from priests and laymen who were interned in the concentration camp at Dachau":

> "In the forefront, for the number and harshness of the treatment meted out to them, are the Polish priests. From 1940 to 1945, 2,800 Polish ecclesiastics and religious were imprisoned in that camp; among them was the Auxiliary bishop of Wloclawek, who died there of typhus. In April last there were left only 816, all the others being dead except for two or three transferred to another camp. In the summer of 1942, 480 German-speaking ministers of religion were known to be gathered there; of these, 45 were Protestants, all the others Catholic priests. In spite of the continuous inflow of new internees, especially from some dioceses of Bavaria, Rhenania and Westphalia, their number, as a result of the high rate of mortality, at the beginning of this year, did not surpass 350. Nor should we pass over in silence those belonging to occupied territories, Holland, Belgium, France (among whom the Bishop of Clermont), Luxembourg, Slovenia, Italy. Many of those priests and laymen endured indescribable sufferings for their faith and for their vocation. In one case the hatred of the impious against Christ reached the point of parodying on the person of an

> interned priest, with barbed wire, the scourging and the crowning with thorns of our Redeemer." (*3268–PS*)

Further revealing figures on the persecution of Polish priests are contained in the following extract from Charge No. 17 against Hans Frank, Governor-General of Poland, submitted by the Polish Government, entitled "Maltreatment and Persecution of the Catholic Clergy in the Western Provinces":

> "IV. *GENERAL CONDITIONS AND RESULTS OF THE PERSECUTION*
>
> 11. The general situation of the clergy in the Archdiocese of Poznan in the beginning of April 1940 is summarized in the following words of Cardinal Hlond's second report:
>
> '5 priests shot
> 27 priests confined in harsh concentration camps at Stutthof and in other camps
> 190 priests in prison or in concentration camps at Bruczkow, Chludowo, Goruszki, Kazimierz, Biskupi, Lad, Lubin and Puszczykowo,
> 35 priests expelled into the Government General,
> 11 priests seriously ill in consequence of ill-treatment,
> 122 parishes entirely left without priests.'
>
> 12. In the diocese of Chefmno, where about 650 priests were installed before the war only 3% were allowed to stay, the 97% of them were imprisoned, executed or put into concentration camps.
>
> 13. By January 1941 about 7000 priests were killed, 3000 were in prison or concentration camps." (*3279–PS*)

The Allocution of Pope Pius XII on 2 June 1945 described National Socialism as "the arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity." It summarized the attacks of "National Socialism" on the Catholic Church in these terms:

> "The struggle against the Church did, in fact, become even more bitter: there was the dissolution of Catholic organizations; the gradual suppression of the flourishing Catholic schools, both public and private; the enforced weaning of youth from family and Church; the pressure brought to bear on the conscience of citizens, and especially of civil servants; the systematic defamation, by means of a clever, closely-organized propaganda, of the Church, the clergy, the faithful, the Church's institutions, teaching and history; the

closing, dissolution, confiscation of religious houses and other ecclesiastical institutions; the complete suppression of the Catholic press and publishing houses." (*3268-PS*)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO SUPPRESSION OF THE CHRISTIAN CHURCHES

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a, c).	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (D) 3 (c) (2, 3); X (B).	I	20, 55
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (*) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*064-PS	Bormann's letter to Rosenberg, 27 September 1940, enclosing letter from Gauleiter Florian criticizing Churches and publications for soldiers. (USA 359)	III	109

Document	Description	Vol.	Page
*068-PS	Letter from Bormann to Rosenberg, 5 April 1940, enclosing copy of Bormann's letter to the High Command of Navy, and copy of Navy High Command letter to Bormann of 9 February 1940. (USA 726)........................	III	114
*070-PS	Letter of Deputy Fuehrer to Rosenberg, 25 April 1941, on substitution of National Socialist mottos for morning prayers in schools. (USA 349)........................	III	118
*072-PS	Bormann letter to Rosenberg, 19 April 1941, concerning confiscation of property, especially of art treasures in the East. (USA 357)..	III	122
*089-PS	Letter from Bormann to Rosenberg, 8 March 1940, instructing Amann not to issue further newsprint to confessional newspapers. (USA 360)........................	III	147
*098-PS	Bormann's letter to Rosenberg, 22 February 1940, urging creation of National Socialist Catechism, etc. to provide moral foundation for NS religion. (USA 350).......	III	152
*100-PS	Bormann's letter to Rosenberg, 18 January 1940, urging preparation of National Socialist reading material to replace Christian literature for soldiers. (USA 691)....	III	160
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7. ADOPTION AND PUBLICATION OF THE PROGRAM FOR PERSECUTION OF JEWS

A. *The official program of the NSDAP, proclaimed 24 February 1920 by Adolf Hitler at a public gathering in Munich.*

Point 4: "None but members of the nation *(Volksgenosse)* may be citizens. None but those of German blood, whatever their creed, may be members of the nation. No Jew, therefore, may be a member of the nation."

Point 5: "Anyone who is not a citizen may live in Germany only as a guest and must be regarded as being subject to legislation for foreigners."

Point 6: "The right to determine matters concerning government and legislation is to be enjoyed by the citizen alone. We demand therefore that all appointments to public office, of whatever kind, whether in the Reich, Land, or municipality, be filled only by citizens. * * *"

Point 7: "We demand that the state make it its first duty to promote the industry and livelihood of citizens. If it is not possible to nourish the entire population of the State, the members of foreign nations (non-citizens) are to be expelled from the Reich."

Point 8: "Any further immigration of non-Germans is to be prevented. We demand that all non-Germans who entered Germany subsequent to 2 August 1914, shall be forced immediately to leave the Reich."

Point 23: "We demand legal warfare against conscious political lies and their dissemination through the press. In order to make possible the creation of a German press we demand:

(*a*) that all editors and collaborators of newspapers published in the German language be members of the nation.

(*b*) non-German newspapers be requested to have express permission of the State to be published. They may not be printed in the German language.

(*c*) non-Germans be prohibited by law from financial participation in or influence on German newspapers, and that as penalty for contravention of the law such newspapers be suppressed and all non-Germans participating in it expelled from the Reich. * * *" (*1708–PS*)

B. *Development of ideological basis for anti-Semitic measures.*

Among the innumerable statements made by the leaders of the NSDAP are the following:

Rosenberg advocated in 1920 the adoption of the following program concerning the Jews:

"(1) The Jews are to be recognized as a (separate) nation living in Germany, irrespective of the religion they belong to.

(2) A Jew is he whose parents on either side are nationally Jews. Anyone who has a Jewish husband or wife is henceforth a Jew.

(3) Jews have no right to speak and write on or be active in German politics.

(4) Jews have no right to hold public offices, or to serve in the Army either as soldiers or as officers. However, their contribution of work may be considered.

(5) Jews have no right to be leaders of cultural institutions of the state and community (theaters, galleries, etc.) or to be professors and teachers in German schools and universities.

(6) Jews have no right to be active in state or municipal commissions for examinations, control, censorship, etc. Jews have no right to represent the German Reich in economic treaties; they have no right to be represented in the directorate of state banks or communal credit establishments.

(7) Foreign Jews have no right to settle in Germany permanently. Their admission into the German political community is to be forbidden under all circumstances.

(8) Zionism should be energetically supported in order to promote the departure of German Jews—in numbers to be determined annually—to Palestine or generally across the border." (*2842–PS*)

Rosenberg's "Zionism" was neither sincere nor consistent, for in 1921 he advocated breaking up Zionism, "which is involved in English-Jewish politics." (*2432–PS*). He advocated in 1921 the adoption by "all Germans" of the following slogans: "Get the Jews out of all parties. Institute measures for the repudiation of all citizenship rights of all Jews and half-Jews: banish all the Eastern Jews; exercise strictest vigilance over the native ones. * * *" (*2432–PS*)

Frick and other Nazis introduced a motion in the Reichstag on 27 May 1924, "to place all members of the Jewish race under special laws." (*2840–PS*). Frick also asked in the Reichstag, on 25 August 1924, for the realization of the Nazi program by "exclusion of all Jews from public office." (*2893–PS*)

C. *Anti-Semitism was seized upon by the Nazi conspirators as a convenient instrument to unite groups and classes of divergent views and interests under one banner.*

Adolf Hitler described racial anti-Semitism as "a new creed for the masses" and its spreading among the German people as "the most formidable task to be accomplished by our movement." (*2881–PS*). Rosenberg called for the *Zusammenraffen aller Deutschen zu einer stahlharten, voelkischen Einheitsfront*" (gathering of all Germans into a steel-hard racial united front) on the basis of anti-Semitic slogans (*2432–PS*). Gotfried Feder, official commentator of the Nazi Party program, stated: "Anti-Semitism is in a way the emotional foundation of our movement." (*2844–PS*)

There are innumerable admissions on the part of the Nazi leaders as to the part which their anti-Semitic propaganda played in their acquisition of control. The following statement concerning the purpose of racial propaganda was made by Dr. Walter Gross, director of the Office of Racial Policy of the Nazi Party:

> "In the years of fight, the aim was to employ all means of propaganda which promised success in order to gather people who were ready to overthrow, together with the Party, the harmful post-war regime and put the power into the hand of the Fuehrer and his collaborators. * * * In these years of fight the aim was purely political: I meant the overthrow of the regime and acquisition of power. * * * Within this great general task the education in racial thinking necessarily played a decisive part, because herein lies basically the deepest revolutionary nature of the new spirit." (*2845–PS*)

In another official Nazi publication, recommended for circulation in all Party units and establishments, it is stated:

> "The whole treatment of the Jewish problem in the years prior to our seizure of power is to be regarded essentially from the point of view of the political education of the German people." (To disregard this angle of the use made of anti-Semitism means) "to disregard the success and aim of the work toward racial education." (*2427–PS*)

D. *After the acquisition of power the Nazi conspirators initiated a state policy of persecution of the Jews.*

(1) *The first organized act was the boycott of Jewish enterprises on 1 April 1933.* The boycott action was approved by all the defendants who were members of the *Reichsregierung* (Reich Cabinet), and Streicher was charged with its execution. Presented as an alleged act of "self defense", the boycott action was intended to frighten Jewish public opinion abroad and force it, by the threat of collective responsibility to all Jews in Germany, to desist from warning against the Nazi danger. (*2409–PS; 2410–PS*)

The boycott was devised as a demonstration of the extent to which the Nazi Party controlled its members and the German masses; consequently, spontaneous action and physical violence were discouraged. Goebbels stated:

> "The national-socialist leadership had declared: 'The boycott is legal', and the government demands that the people permit that the boycott be carried out legally. We expect iron discipline. This must be for the whole world a wonderful

> show of unity and manly training. To those abroad who believe that we could not manage it, we want to show that we have the people in our hand." (*2431–PS*)

(2) *Laws eliminating Jews from various offices and functions.* The Nazi conspirators legislative program was gradual and, in the beginning, relatively "moderate." In the first period, which dates from 7 April 1933 until September 1935, the laws eliminated Jews from public office and limited their participation in schools, certain professions, and cultural establishments. The following are the major laws issued in this period:

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
1397–PS	7.4.33	I.175	*Gesetz zur Wiederherstellung des Berufsbeamtentums* (Law for the reestablishment of the professional civil service), removing Jews from Civil Service.	Hitler Frick Schwerin V. Krosigk
	7.4.33	I.188	*Gesetz uber die Zulassung zur Rechtsanwaltschaft* (Law relating to admission to the Bar) removing Jews from the Bar.	Guertner
2868–PS	22.4.33	I.217	*Gesetz betreffend die Zulassung zur Patentanwaltschaft* (Law relating to the admission to the profession of patent agent and lawyer) excluding Jews from acting as patent attorneys.	Hitler Guertner
2869–PS	6.5.33	I.257	*Gesetz uber die Zulassung von Steuerberatern* (Law relating to the admission of Tax Advisors) eliminating "non-Aryans" from the profession of tax consultants.	Hitler Schwerin V. Krosigk
2084–PS	22.4.33	I.215	*Gesetz uber die uberfullung deutscher Schullen* (Law against the over-crowding of German schools and higher institutions) limiting drastically the number of Jewish students.	Hitler Frick

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
2870–PS	26.7.33	I.538	*Verordnung zur Durchfuehrung des Gesetzes uber den Widerruf von Einbuergerungen* (Executing decree for the law about the Repeal of Naturalizations and the adjudication of German citizenship) defining Jews from Eastern Europe as "undesirable" and subject to denationalization.	Pfundtner (Asst. to Frick)
2083–PS	4.10.33	I.713	*Schriftleitergesetz* (Editorial Law) barring "non-Aryans" and persons married to "non-Aryans" from the newspaper profession.	Hitler Goebbels
2984–PS	21.5.35	I.608	*Wehrgesetz* (Law concerning Armed Forces) barring "non-Aryans" from military service.	V. Blomberg

On 10 September 1935, Minister of Education Rust issued a circular ordering the complete elimination of Jewish pupils from "Aryan" schools (*2894–PS*). This legislative activity, in addition to being the first step towards the elimination of the Jews, served an "educational" purpose and was a further test of the extent of control exerted by the Nazi Party and regime over the German masses.

Dr. Achim Gercke, racial expert of the Ministry of the Interior, stated:

> "The laws are mainly educational and give direction. The aspect of the laws should not be underestimated. The entire nation is enlightened on the Jewish problem; it learns to understand that the national community is a blood community; it understands for the first time the racial idea, and is diverted from a too theoretical treatment of the Jewish problem and faced with the actual solution." (*2904–PS*)

It was clear, however, that the Nazi conspirators had a far more ambitious program in the Jewish problem and put off its realization for reasons of expediency. In the words of Dr. Gercke:

> "Nevertheless the laws published thus far cannot bring a final solution of the Jewish problem, because the time has not yet come for it, although the decrees give the general

> direction and leave open the possibility of further developments.
>
> "It would be in every respect premature now to work out and publicly discuss plans to achieve more than can be achieved for the time being. However, one must point out a few basic principles so that the ideas which one desires and must have ripened will contain no mistakes. * * *
>
> "All suggestions aiming at a permanent situation, at a stabilization of the status of the Jews in Germany do not solve the Jewish problem, because they do not detach the Jews from Germany. * * *
>
> *"Plans and programs must contain an aim pointing to the future and not merely consisting of the regulation of a momentarily uncomfortable situation."* (*2904–PS*)

(3) *Deprivation of Jews of their rights as citizens.* After a propaganda barrage, in which the speeches and writings of Streicher were most prominent, the Nazi conspirators initiated the second period of anti-Jewish legislation (15 September 1935 to September 1938). In this period the Jews were deprived of their full rights as citizens (First Nurnberg Law) and forbidden to marry "Aryans" (Second Nurnberg Law). Further steps were taken to eliminate Jews from certain professions, and the groundwork was laid for the subsequent expropriation of Jewish property. These laws were hailed as the fulfillment of the Nazi Party program.

The major laws issued in this period are listed below:

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
1416–PS	15.9.35	I 1145	*Reichsbuergergesetz* (Reich Citizenship Law), first Nurnberg Law, reserving citizenship for subjects of German blood.	Hitler Frick
2000–PS	15.9.35	I 1146	*Gesetz zum Schutze des deutschen Blutes,* (Law for protection of German blood and German honor), forbidding marriages and extramarital relations between Jews and "Aryans".	Hitler Frick Guertner Hess

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
1417–PS	14.11.35	I 1333	*Erste Verordnung zum Reichsbuergergesetz* (First regulation to Reich citizenship law), defining the terms "Jew" and "part-Jew". Jewish officials to be dismissed.	Hitler Frick Hess
2871–PS	7.3.36	I 133	*Gesetz ueber das Reichstagwahlrecht* (Law governing elections to the Reichstag) barring Jews from Reichstag vote.	Hitler Frick
1406–PS	26.4.38	I 414	*Verordnung ueber die Ammeldung des Vermogens von Juden* (Decree for reporting Jewish owned property), basis for subsequent expropriation.	Goering Frick
2872–PS	25.7.38	I 969	*Vierte Verordnung zum Reichsbuergergesetz.* Fourth decree on the Citizenship Law, revoking licenses of Jewish physicians.	Frick
2873–PS	17.8.38	I 1044	*Zweite Verordnung zur Durchfuhrung des Gesetzes ueber die Aenderung von Familiennamen und Vornamen* (Second decree on law concerning change of first and last names), forcing Jews to adopt the names "Israel" and "Sara".	Frick
2874–PS	27.9.38	I 1403	*Fuenfte Verordnung zum Reichsbuergergesetz.* (Fifth decree to law relating to the Reich citizenship), revoking admission of Jewish lawyers.	

(4) *Program of 9 November 1938 and elimination of Jews from economic life.*

In the autumn of 1938, within the framework of economic preparation for aggressive war and as an act of defiance to world opinion, the Nazi conspirators began to put into effect a program of complete elimination of the Jews. The measures taken were partly presented as retaliation against "world Jewry" in connection with the killing of a German embassy official in Paris. Unlike the boycott action in April, 1933, when care was taken to avoid violence, an allegedly "spontaneous" pogrom was staged and carried out all over Germany on orders of Heydrich.

The organized character of the pogrom is also obvious from the admission of Heydrich and others at a meeting presided over by Goering at the Air Ministry in Berlin. (*1816–PS*)

The legislative measures which followed were discussed and approved in their final form at a meeting on 12 November 1938 under the chairmanship of Goering, with the participation of Frick, Funk and others. The meeting was called following Hitler's orders "requesting that the Jewish questions be now, once and for all, coordinated and solved one way or another." The participants agreed on measures to be taken "for the elimination of the Jew from German economy." Other possibilities, such as the establishment of ghettos, stigmatization through special insignia, and "the main problem, namely to kick the Jew out of Germany", were also discussed. All these measures were later enacted as soon as conditions permitted. (*1816–PS*)

The laws issued in this period were signed mostly by Goering, in his capacity as Deputy for the Four Year Plan, and were thus connected with the consolidation of control over German economy in preparation for aggressive war.

The major laws issued in this period are listed below:

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
1412–PS	12.11.38	I 1579	*Verordnung ueber eine Suhneleistung der Juden* (Order concerning expiation contribution of Jews of German nationality), obligating all German Jews to pay a collective fine of 1.000.000.000 Reichsmark.	Goering
2875–PS	12.11.38	I 1580	*Verordnung zur Ausschaltung der Juden aus dem deutschen Wirtschaftsleben* (Decree on elimination of Jews from German economic life), barring Jews from trade and crafts.	Goering

Document No.	Date	Reichsgesetzblatt page	Title and gist of law	Signed by
1415–PS	28.11.38	I 1676	*Polizeiverordnung ueber das Auftreten der Juden in der Queffentlichkeit* (Police regulation of the appearance of Jews in public), limiting movement of Jews to certain localities and hours.	Heydrich (assistant to Frick)
1409–PS	3.12.38	I 1709	*Verordnung ueber den Einsatz des Juedischen Vermoegens* (Order concerning the Utilization of Jewish property), setting time limit for the sale or liquidation of Jewish enterprises; forcing Jews to deposit shares and securities held by them; forbidding sale or acquisition of gold and precious stones by Jews.	Funk Frick
1419–PS	30.4.39	I 864	*Gesetz ueber Mietverhaeltnisse mit Juden* (Law concerning Jewish tenants) granting to landlords the right to give notice to Jewish tenants before legal expiration of lease.	Hitler Guertner Krohn Hess Frick
2876–PS	4.7.39	I 1097	*Zehnte Verordnung zum Reichsbuergergesetz* (Tenth decree relating to the Reich Citizenship Law), forcible congregation of Jews in the "Reichsvereinigung der Juden in Deutschland".	Frick Rust Kerrl Hess
2877–PS	1.9.41	I 547	*Polizeiverordnung ueber die Konnzeichnung der Juden* (Police order concerning identification of Jews) forcing all Jews over 6 years of age to wear the Star of David.	Heydrich

(5) *Extermination of German Jews.* Early in 1939 Hitler and the other Nazi conspirators decided to arrive at a "final solution of the Jewish problem." In connection with preparations for

aggressive war, further consolidation of controls and removal of elements not belonging to the *Volksgemeinschaft* (racial community) were deemed necessary. The conspirators also anticipated the conquest of territories in Eastern Europe inhabited by large numbers of Jews and the impossibility of forcing large-scale emigration in war-time. Hence, other and more drastic measures became necessary. The emphasis in this period shifted from legislative acts to police measures.

On 24 January 1939 Heydrich was charged with the mission of "arriving at a solution of the Jewish problem." (*710-PS*)

On 15 January 1939 Rosenberg stated in a speech at Detmold:

> "For Germany the Jewish problem will be solved only when the last Jew has left Germany."

On 7 February 1939, Rosenberg appealed to foreign nations to forget "ideological differences" and unite against the "real enemy," the Jew. He advocated the creation of a "reservation" where the Jews of all countries should be concentrated (*2843-PS*). In his Reichstag speech on 30 January 1939, Hitler made the following prophecy:

> "The result [of war] will be * * * the annihilation of the Jewish race in Europe." (*2663-PS*)

Thus the direction was given for a policy which was carried out as soon as the conquest of foreign territories created the material conditions. (For the carrying out and results of the program of the Nazi conspirators against Jewry, see Chapter XII.)

In the final period of the anti-Jewish crusade very few legislative measures were passed. The Jews were delivered to the SS and various extermination staffs. The last law dealing with the Jews in Germany, signed by Frick, Bormann, Schwerin V. Krosigk, and Thierach, put them entirely outside the law and ordered the confiscation by the State of the property of dead Jews (*1422-PS*). This law was a weak reflection of a factual situation already in existence. Dr. Wilhelm Stuckart, assistant to Frick, stated at that time:

> "The aim of the racial legislation may be regarded as already achieved and consequently the racial legislation as essentially closed. It led to the temporary solution of the Jewish problem and at the same time prepared the final solution. Many regulations will lose their practical importance as Germany approaches the achievement of the final goal in the Jewish problem." *(Stuckart and Schiedermair: Rassen und Erbpflege in der Gesetzgebung des Reiches* (The care for Race and Heredity in the Legislation of the Reich), Leipzig, 1943, p. 14.)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ADOPTION AND PUBLICATION OF THE PROGRAM FOR PERSECUTION OF JEWS

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*710–PS	Letter from Goering to Heydrich, 31 July 1941, concerning solution of Jewish question. (USA 509).....	III	525
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1409–PS	Order concerning utilization of Jewish property, 3 December 1938. 1938 Reichsgesetzblatt, Part I, p. 1709	IV	1
1412–PS	Decree relating to payment of fine by Jews of German nationality, 12 November 1938. 1938 Reichsgesetzblatt, Part I, p. 1579	IV	6
1415–PS	Police regulation concerning appearance of Jews in public, 28 November 1938. 1938 Reichsgesetzblatt, Part I, p. 1676	IV	6
1416–PS	Reich Citizen Law of 15 September 1935. 1935 Reichsgesetzblatt, Part I, p. 1146	IV	7
*1417–PS	First regulation to the Reichs Citizenship Law, 14 November 1935. 1935 Reichsgesetzblatt, Part I, p. 1333. (GB 258)	IV	8
1419–PS	Law concerning Jewish tenants, 30 April 1939. 1939 Reichsgesetzblatt, Part I, p. 864	IV	10
1422–PS	Thirteenth regulation under Reich Citizenship Law, 1 July 1943. 1943 Reichsgesetzblatt, Part I, p. 372	IV	14
*1708–PS	The Program of the NSDAP. National Socialistic Yearbook, 1941, p. 153. (USA 255; USA 324)	IV	208
*1816–PS	Stenographic report of the meeting on The Jewish Question, under the Chairmanship of Fieldmarshal Goering, 12 November 1938. (USA 261)	IV	425
2000–PS	Law for protection of German blood and German honor, 15 September 1935. 1935 Reichsgesetzblatt, Part I, No. 100, p. 1146	IV	636

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2084–PS	Law on formation of the Student Organization at Scientific Universities, 22 April 1933. 1933 Reichsgesetzblatt, Part I, p. 215	IV	718
*2409–PS	Extracts from The Imperial House to the Reich Chancellery by Dr. Joseph Goebbels. (USA 262)	V	83
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2427–PS	The Racial Awakening of German Nation by Dr. Rudolf Frercks, in National Political Enlightenment Pamphlets	V	92
2431–PS	The Revolution of the Germans; 14 years of National Socialism, by Dr. Joseph Goebbels	V	92
2432–PS	Extracts from Rosenberg's, Writings From The Years, 1921–1923	V	93
*2663–PS	Hitler's speech to the Reichstag, 30 January 1939, quoted from Voelkischer Beobachter, Munich edition, 1 February 1939. (USA 268)	V	367
2840–PS	Dr. Wilhelm Frick and his Ministry, 1937, p. 180–181	V	503
2841–PS	Extract from the Care for Race and Heredity in the Legislation of the Reich, Leipzig, 1943, p. 14	V	504

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2842–PS	Extract from Writings of the years, 1917–21, by Alfred Rosenberg, published in Munich 1943, pp. 320–321	V	504
2843–PS	Race Politics from Documents of German Politics, Vol. VII, pp. 728–729	V	505
2844–PS	The Program of the Nazi Party, by Gottfried Feder, August 1927, Munich, p. 17	V	506
2845–PS	One Year of Racial Political Education by Dr. Gross in National Socialist Monthly No. 54, September 1934, pp. 833–834	V	506
2868–PS	Law relating to admission of profession of Patent-Agent and Lawyer, 22 April 1933. 1933 Reichsgesetzblatt, Part II, No. 41, pp. 217–8	V	529
2869–PS	Law relating to admission of Tax Advisors, 6 May 1933. 1933 Reichsgesetzblatt, Part I, No. 49, p. 257	V	530
2870–PS	Executory decree for law about repeal of Naturalization and Adjudication of German Citizenship, 26 July 1933. 1933 Reichsgesetzblatt, Part I, p. 538	V	530
2871–PS	Law governing elections to Reichstag, 7 March 1936. 1936 Reichsgesetzblatt, No. 19, p. 133	V	532
2872–PS	Fourth decree relative to Reich Citizen Law of 25 July 1938. 1938 Reichsgesetzblatt, Part I, p. 969	V	533
2873–PS	Second decree allotting to Implementation of Law on change of first and family names, 17 August 1938. 1938 Reichsgesetzblatt, Part I, p. 1044	V	534

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2874–PS	Fifth decree to law relating to Reich Citizenship, 27 September 1938. 1938 Reichsgesetzblatt, Part I, No. 165, p. 1403	V	535
2875–PS	Decree on exclusion of Jews from German economic life, 12 November 1938	V	536
2876–PS	Tenth decree relating to Reich Citizenship Law, 4 July 1939. 1939 Reichsgesetzblatt, Part I, p. 1097	V	537
2877–PS	Police decree concerning "marking" of Jews, 1 September 1941. 1941 Reichsgesetzblatt, Part I, No. 100, p. 547	V	539
2881–PS	Hitler's speech of 12 April 1922, quoted in Adolf Hitler's Speeches, published by Dr. Ernst Boepple, Munich, 1934, pp. 20–21, 72	V	548
2893–PS	Article: "Dr. Frick and the Unity of the Reich" by Walter Koerber, published in Our Reich Cabinet, Berlin, 1936, p. 87	V	562
2894–PS	General Decree of September 10, 1935 on establishment of separate Jewish schools, published in Documents of German Politics, 1937, p. 152	V	562
2904–PS	The Racial Problem and the New Reich, published in The National Socialist Monthly, No. 38, May 1933, pp. 196–7	V	570
2984–PS	Law concerning armed forces, 21 May 1935. 1935 Reichsgesetzblatt, Part I	V	686
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167)	V	801

8. RESHAPING OF EDUCATION AND TRAINING OF YOUTH

A. *The Nazi conspirators reshaped the educational system.*

(1) *The Nazi conspirators publicly announced the purposes of their educational and training program.* Hitler stated at Elbing, Germany:

> "When an opponent declares, 'I will not come over to your side, and you will not get me on your side,' I calmly say, 'Your child belongs to me already. A people lives forever. What are you? You will pass on. Your descendants however now stand in the new camp. *In a short time they will know nothing else but this new community'.*" (*2455–PS*)

Hitler said on 1 May 1937:

> "The youth of today is ever the people of tomorrow. For this reason we have set before ourselves the task of innoculating our youth with the spirit of this community of the people at a very early age, at an age when human beings are still unperverted and therefore unspoiled. * * * This Reich stands, and it is building itself up for the future, upon its youth. And this new Reich will give its youth to no one, *but will itself take youth and give to youth its own education and its own upbringing.*" (*2454–PS*)

The first sentence in the official instructors manual for high schools reads:

> "The German school is a part of the National Socialist Educational order. It is its obligation to form the national socialistic personality in cooperation with the other educational powers of the nation, but by its distinctive educational means." (*2453–PS*)

Hitler stated in *Mein Kampf*:

> "On this basis the whole education by the National State must aim primarily not at the stuffing with mere knowledge, but at the building up of bodies which are physically healthy to the core. The development of intellectual faculties comes only after this." (*2392–PS*)

(2) *They transferred responsibility for education from the states to the Reich.* The Reich Ministry of Education was established, and control of all schools, public and private, including universities and adult educational activities, was transferred to this Reichsministry (*2078–PS; 2088–PS*). The control of education by the local authorities was replaced by the absolute authority of the Reich in all educational matters. (*2393–PS*)

(3) *They changed the curricula and textbooks.*

Kindergarten: Children from two to six years were trained in more than 15,000 Kindergartens operated by the Party and State. The teachers in charge were trained in special schools that emphasized the ideological views of the Nazi Party. The children were given a systematic training in Nazi ideology. (*2443–PS; 2441–PS*)

Elementary schools: Primary emphasis was placed on physical training. History, German race culture and mathematics were the other subjects emphasized. These subjects were taught in such a way as to emphasize the cultural superiority of the German people, the importance of race, the Fuehrer principle, glorification of German war heros, the subversive elements that caused the defeat of Germany in World War I, the shame of the Versailles Treaty, and the rebirth of Germany under the Nazis. (*2392–PS*; *2397–PS*; *2441–PS*; *2394–PS*)

In addition to education in the schools all children from six to ten years were registered in the *Kindergruppen* (Children's Groups) conducted by the National Socialist *Frauenschaft* (National Socialist Women's Organization). All children were required to obtain an efficiency record card and uniform and were instructed in Nazi ideology by the members of the Women's Organization. (*2441–PS; 2452–PS*)

High Schools (Hoeheren Schule): The curricula and organization of the *Hoeheren* School was modified by a series of decrees of the Minister of Education in order to make these schools effective instruments for the teaching of the Nazi doctrines. A new curricula emphasizing physical training, German war history, and race culture was introduced. (*2453–PS*)

Universities: The schools of politics and physical education became the largest colleges at the universities. Beginning in 1933 the Nazis introduced courses in heredity and race culture, ancient and modern German history, biology and geopolitics. (*2443–PS*; *2441–PS*)

Textbooks in the schools were changed to accord with the expressed objectives of the Nazi conspirators. (*2446–PS*; *2442–PS*; *2444–PS*; *2445–PS*)

(4) *The Nazi conspirators acquired domination and control over all teachers.* The law for the reestablishing of the professional civil service made it possible for the Nazi conspirators thoroughly to reexamine all German teachers and to remove all "harmful and untrustworthy" elements (*1397–PS; 2392–PS*). Many teachers and professors (mostly Jewish) were dismissed

and were replaced with "State spirited" teachers (*2392–PS*). All teachers were required to take an oath of loyalty and obedience to Hitler (*2061–PS*). All teachers were required to belong to the National Socialist *Lehrerbund* (National Socialist Teachers League), which organization was charged with the training of all teachers in the theories and doctrines of the NSDAP. (*2452–PS*)

In 1934 the National Socialist Teachers League was declared to be the official organ of German education. (*2393–PS*)

The Civil Service Act of 1937 required the teachers to be "the executors of the will of the party-supported State." It required them to be ready at "any time to defend without reservation the National Socialist State." The law required the teachers to participate strenuously in elections, have thorough knowledge of Party principles and literature, render the Hitler Salute, send their children to the Hitler Youth, and educate them in the Nazi spirit (*2340–PS*). Before taking their second examination (required for permanent appointment), teachers in Prussia were required to show service in the SA and in the *Arbeitsdienst* (Labor *Service*) (*2392–PS*). Candidates for teaching and other public positions were required to have "proved themselves" in the Hitler Jugend (*2451–PS; 2900–PS*). Teachers' academies were judged by the Minister of Education on their ability to turn out men and women with new ideas "based on blood and soil". (*2394–PS*)

The leadership principle replaced the democratic school principle. A decree of the Reich Minister of Education made the head of any school fully responsible for the conduct of the institution in line with the official party ideology. Teachers committees and Student Committees were abolished (*2393–PS; 2392–PS*). A "confidential instructor," the school youth warden of the Hitler Jugend, appointed by the Hitler Youth authorities, was assigned to each school (*2396–PS*). The "Parents Advisory Committees" in the public schools were dissolved, and replaced by the "School Communities," *(Schulgemeinde)*. The headmaster was the leader. He appointed, after consultation with the local party leader, two to five teachers or parents, known as *"Jugendwalter,"* (Youth Advisors) and one Hitler Youth leader, who was appointed after consultation with the Hitler Youth officials in the district (*2399–PS*). The duties of the "School Community" were to bring to the attention of the public the educational objectives of the Nazi Party, including race questions, heredity indoctrination, physical training, and the Youth League activities. The function of advising the school authorities, formerly performed by the "Parents Advisory Committees," was eliminated by the decree. (*2399–PS*)

Universities: The Leadership Principle was introduced into the universities. The *Rektor* (head of the university) was appointed by the Reich Minister of Education for an unspecified period of time and was responsible only to the Reichs Minister. The University was divided into the *Dozentenschaft* (Lecturers Corps) and the *Studentenschaft* (Student Corps). The leaders of these two bodies were also appointed by the Reichsminister of Education (*2394–PS*). The teaching staff of the university was subject to the control of the National Socialist *Dozentenbund* (NSDoB) (Nazi Association of University Lecturers). The purposes of the NSDoB were:

(a) to take a decisive part in the selection of lecturers and to produce candidates for the teaching staff who were wholly Nazi in their outlook.

(*b*) to train all university lecturers in Nazi ideology,

(*c*) to see that the entire university life was run in accordance with the philosophy of the Party. (*2452–PS; 318–PS*)

All German students at the universities were required to belong to the *Studentenschaft* (Student Corps) (*2084–PS*). The Student Corps was responsible for making the students conscious of their duties to the Nazis, and was obliged to promote enrollment in the SA and labor service. Physical training of students was the responsibility of the SA. Political education was the responsibility of the *National-Socialistische Deutsche Studentenbund* (NSDStB), (National Socialist German Student Bund) (*2458–PS*). The National Socialist Student Bund (NSDStB) was the Nazi "elite" of the student body and was responsible for the leadership of the university students, and all leaders of the Student Corps were appointed from its membership. The Nazi Student Bund was solely responsible for the entire ideological and political education of the students. (*2395–PS*; *2399–PS*; *2441–PS; 2392–PS; 2393–PS*)

B. *The Nazi conspirators supplemented the school system by training the youth through the Hitler Jugend.*

(1) *The Nazi conspirators from their early days expressed their belief in the fundamental importance of controlling the education and training of youth.* Hitler stated in *Mein Kampf*:

> "It is precisely our German people, that today broken down, lies defenseless against the kicks of the rest of the world who need that suggestive force that lies in self-confidence. But this *self-confidence has to be instilled* into the young fellow-citizen from childhood on. His entire education and development has to be directed at giving him *the conviction*

> *of being absolutely superior to others.* With this physical force and skill he has again to win the belief in the invincibility of his entire nationality. For what once led the German army to victory was the sum of the confidence which the individual and all in common had in their leaders. The confidence in *the possibility of regaining its freedom* is what will restore the German people. But this conviction must be the final product of the same feeling of millions of individuals." (*404–PS*; see also *2901–PS*)

Again in *Mein Kampf* Hitler said:

> "The racial State will have to see to it that there will be a generation which by a suitable education will be ready for the final and ultimate decision on this globe. The nation which enters first on this course will be the victorious one." (*404–PS*)

The law of the Hitler Youth provides in part as follows:

> "The future of the German nation depends on its youth, and the German youth shall have to be prepared for its future duties. * * *
>
> "The German youth besides being reared within the family and school, shall be educated physically, intellectually and morally in the spirit of National Socialism to serve the people and community, through the Hitler Youth." (*1392–PS*)

On May 1, 1938 Hitler said in a speech to the youth:

> "Since the victory of the Movement, under whose banner you stand, there has been completed within our people the unification of heart (innere Einigung) of the Germans. And as wages for this work of ours Providence has given us Greater Germany (Grossdeutschland). *This unification is no gift of chance, it is the result of a systematic education of our people by the National Socialist Movement.* . . . . And this education begins with the individual at an age when he is not already burdened with preconceived ideas. The youth is the stone which is to go to the building of our new Reich! You are Greater Germany! In you is being formed the community of the German people. Before the single leader there stands a Reich, before the single Reich stands a people, and before the single people stands German youth! When I see you my faith in the future of Germany has no bounds, nothing can shake it. For I know that you will fulfill all that we hope of you. So I greet you today on this 1st of May in our new great Germany: for you are our spring. In you will and shall be completed that for which generations and centuries have striven, Germany!" (*2454–PS*)

(2) *The Nazi conspirators destroyed or took over all other youth organizations.* The first Nazi youth League (*Nationalsocialistischen Jugendbund*) was organized in 1922. In 1925 the Hitler Youth was officially recognized by the Nazi Party and became a Junior Branch of the SA. In 1931 Baldur von Schirach was appointed Reichs Youth Leader of the NSDAP with the rank of SA *Gruppenfuehrer.* (*1458–PS*)

When the Nazi conspirators came to power the Hitler Jugend was a minor organization among many youth associations in Germany. At the end of 1932 it had only 107,956 members—less than 5 percent of the total youth population of Germany (*2435–PS*). Schirach was appointed "*Jugendfuehrer des Deutschen Reichs*" (Youth Leader of the German Reich), in June 1933. In this position he was directly responsible to Hitler for the education and training of the German youth outside of the home and school in accordance with the ideology of the Nazi Party. (*1458–PS*)

In June of 1933 on orders of Schirach, an armed band of Hitler youths occupied by force the headquarters of the Reich Committee of The German Youth Associations and took over all files and personnel records of the youth leagues represented by the Committee. By the same method the offices and property (including all youth hostels in Germany) of the Reich Association for German Youth Hostels was seized, and a Nazi representative of Schirach put in charge (*1458–PS*). By decree dated 22 June 1933 Schirach dissolved the Grossdeutsches Bund and all of its affiliated organizations and took over their property; he dissolved The Reich Committee of The German Youth Associations, and required all other youth organizations to make a complete report of all organizational information, including names of all officers and members and inventory of all funds and property (*2229–PS*). The Youth Associations of all political parties and of all labor organizations were dissolved by decree of Schirach. By virtue of these decrees all youth organizations except those sponsored by the Catholic and Protestant Churches were abolished or incorporated in the Hitler Jugend (*1458–PS; 2260–PS*). The Nazi-appointed Reichsbishop Mueller entered into an agreement with Schirach which transferred all members of the Evangelical Youth to the Hitler Jugend and provided that the Hitler Jugend alone would provide the state political and physical education of the Protestant youth. By the end of 1933 only the Catholic Youth organization remained untouched. (*1458–PS*)

The Concordat entered into with the Holy See on July 20, 1933 provided for the continuance of the Catholic Youth Association

(*2655–PS*). Contrary to the provisions of the Concordat, the Nazi conspirators immediately set out to smash the Catholic Youth organization and to force all young people into the Hitler Youth. Ten days after the signing of the Concordat, Schirach issued an order forbidding simultaneous membership in the Hitler Jugend and the Catholic Youth League (*2456–PS*). In 1934 Schirach wrote, "The denominational youth league (Catholic Youth Association) has no right to exist in our time." (*1458–PS*). A year later Catholic youth associations were forbidden to wear uniforms, to assemble publicly, to wear insignia, or to engage in outdoor sport activity (*1482–PS*). Additional pressure was exerted on the Catholic Youth by the requirement of membership in the Hitler Youth as a prerequisite of public employment (*2451–PS; 2900–PS*). Finally, in 1937, Schirach announced:

> "*The struggle for the unification of the German Youth is finished.* I considered it as my duty to conduct it in a hard and uncompromising manner. Many might not have realized why we went through so much trouble for the sake of the youth. And yet the National Socialist German Workers Party, whose trustee I felt I always was and always will be, this party considered *the struggle for the youth as the decisive element* for the future of the German nation." (*2306–PS*)

(3) *The Nazi conspirators made membership in the Hitler Jugend compulsory.* The Hitler Youth Law of 1936 provided that "All of the German Youth in the Reich is organized within the Hitler Youth." (*1392–PS*). Executive decrees later implemented this law by the establishment of severe penalties against anyone who deterred a youth from service in the Hitler Jugend, and confirmed the policy of excluding Jews from membership.

The Hitler Jugend had been from its inception a formation of the Nazi Party. By virtue of the 1936 Youth Law it became an agency of the Reich Government while still retaining its position as a formation of the Nazi Party. (*1392–PS*).

The membership statistics of the Hitler Jugend to 1940 were:

End 1932	107,956
End 1933	2,292,041
End 1934	3,577,565
End 1935	3,943,303
End 1936	5,437,601
End 1937	5,879,955
End 1938	7,031,226
End 1939	7,728,259

And BDM (League of German Girls)—440,789. (*2435–PS*)

(4) *Through the Hitler Jugend the Nazi conspirators imbued the youth with Nazi ideology and prepared them for membership in the Party and its formations.* Schirach said:

> "I am responsible to the Reich that the entire youth of Germany will be educated physically, morally and spiritually in the spirit of the National Socialist Idea of the State." (*2306–PS*)

Mein Kampf was regarded as the "Bible" of the Hitler Jugend (*1458–PS*). On entering the *Jungvolk* at the age of 10, children took the following oath:

> "In the presence of this blood-banner which represents our Fuehrer I swear to devote all my energies, and my strength to the Savior of our Country, Adolf Hitler. I am willing and ready to give up my life for him, so help me God. One People, one Reich, one Fuehrer." (*2441–PS*)

The Hitler Jugend organization operated solely on the Leadership Principle. The leader was always appointed from above and the leader's will was absolute. (*1458–PS*; *2306–PS*; *2436–PS*; *2438–PS*)

The Master Race doctrine and anti-semitism, including physical attacks on the Jews, was taught systematically in the Hitler Jugend training program. (*2436–PS*; *L–360–H*; *2441–PS*)

The Hitler Jugend indoctrinated the youth with the idea that war is a noble activity. (*1458–PS*; *2436–PS*)

The Hitler Jugend, in accordance with the policy of the Nazi Party, emphasized the importance and demanded the return of the colonies which had been taken from Germany by the "Versailles Shame Dictate." (*1458–PS; 2436–PS; 2440–PS; 2441–PS*)

The Hitler Jugend taught that the guiding principle of German policy was the utilization of the space to the East (*1458–PS; 2439–PS*). All activities carried on in support of the demands for modification of the Versailles Treaty, the restoration of colonies, and the acquisition of additional living space were closely coordinated with the (VDA) *Verein fuer das Deutschtum in Ausland* (Office of Germans in foreign countries). *(L–360–H)*

In order to carry out the program of indoctrination of the youth, more than 765,000 were actively engaged as Hitler Youth leaders by May 1939. Youth leaders were thoroughly trained, many of them in special "Youth Leaders" schools (*2435–PS*). More than 200,000 political indoctrination meetings (*Heimabend)* were held weekly. Each community was required by law to provide a suitable meeting house for the Hitler Jugend. Training and propaganda films were produced on an elaborate scale.

In the winter of 1937–38 more than three million youths attended showings of these films. The Hitler Jugend press and propaganda office published at least thirteen magazines and large numbers of other publications and yearbooks appealing to all age groups and to the various interest groups of the youth. (*2435-PS*)

One of the most important functions of the Hitler Jugend was to prepare the youth for membership in the Party and its formations. Hitler said at the Reichsparteitag, 1935:

> "He alone, who owns the youth, gains the Future! Practical consequences of this doctrine: The boy will enter the *Jungvolk* (boy 10-14) and the *Pimpf* (members of the *Jungvolk*) will come to the Hitler Youth, and the boy of the Hitler Youth will join the SA, the SS and the other formations, and the SA man and the SS man will one day join the Labor Service, and from there he will go to the Armed Forces, and the soldiers of the people will return again to the organization of Movement, the Party, the SA, the SS, and never again will our people be so depraved as they were at one time." (*2656–PS; 2401–PS*)

The *Streifendienst,* a special formation of the Hitler Jugend, was organized by virtue of an agreement between Himmler and Schirach for the purpose of securing and training recruits for the SS, with special emphasis on securing recruits for the Deaths Head Troops of the SS (concentration camp guards). (*2396–PS*)

The farm service section of the Hitler Jugend also became a cadet corps of the SS by reason of the agreement entered into between Himmler and Schirach in 1938. This formation was to train for SS membership youths especially suited to become *Wehrbauer* (militant peasants), who were to be settled in places where the Nazis needed especially trained farmers. (*2567–PS*)

In 1937 the Adolf Hitler Schools were established in order to indoctrinate boys selected by the Party to be the future leaders of the Nazi state. The schools were operated by the Hitler Jugend for the Party. Boys entered at the age of 12 and remained in the school until 18 years of age. (*2653–PS*)

(5) *The Nazi conspirators used the Hitler Jugend for extensive pre-military training of youth.* In 1933 the Hitler Youth, in cooperation with the SA and the Wehrmacht, entered into a secret program of extensive pre-military training of the youth (*1850–PS*). Extensive premilitary training was carried on in all age groups of the Hitler Youth in close cooperation with the Wehrmacht. (*2438–PS*; *2441–PS*; *1992–PS*)

In addition to general military training, specialized training was given in special formations. These included:

Hitler Jugend Flying Units
Hitler Jugend Naval Units
Hitler Jugend Motorized Units
Hitler Jugend Signal Units
Hitler Jugend Medical Units
Hitler Jugend Musical Units. (*2654–PS*). The extent of the military training in 1937 was set out by Hitler in a speech at Berlin.

> "The Naval Hitler Youth comprises 45,000 boys, the Motor Hitler Youth 60,000 boys. As part of the campaign for the encouragement of aviation 55,000 members of the Jungvolk were trained in gliding for group activities; 74,000 boys of the Hitler Youth are organized in its flying units; 15,000 boys passed their gliding test in the year 1937 alone.
>
> "Today 1,200,000 boys of the Hitler Youth receive regular instructions in small-bore rifle shooting from 7,000 instructors." (*2454–PS;* see also *2441–PS.*)

A formal agreement between the Wehrmacht and the Hitler Jugend was published 11 August 1939. It recites that whereas 30,000 Hitler Jugend leaders had been trained annually in shooting and field exercises, the number would be doubled; that 60,000,000 shots had been fired in Hitler Youth training courses in 1938 and that a considerable increase in the figure was expected. The agreement recognized the close cooperation that existed between the Hitler Jugend and the Wehrmacht in the military training of youth and provided for a far more extensive program. (*2398–PS*)

CHAPTER VII

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO RESHAPING OF EDUCATION AND TRAINING OF YOUTH

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a)	I	5
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200-PS	Confidential telegram from Berger to Reich Ministry for Occupied Eastern Territories, 8 July 1944 concerning forced labor of children	III	214
*318-PS	Agreement between Rosenberg and Leader of the National Socialist University Professors League (NSDoB), 2 December 1941. (USA 728)	III	255
*404-PS	Excerpts from Hitler, Mein Kampf, pp. 456, 475. (USA 256)	III	385

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1397–PS	Law for the reestablishment of the Professional Civil Service, 7 April 1933. 1933 Reichsgesetzblatt, Part I, p. 175	III	981
*1458–PS	The Hitler Youth by Baldur von Schirach, Leipzig, 1934. (USA 667)	IV	22
1462–PS	First Execution Order to the Law of the Hitler Youth, 25 March 1939. 1939 Reichsgesetzblatt, Part I, p. 709	IV	44
*1482–PS	Secret letter, 20 July 1933 to provincial governments and the Prussian Gestapo from Frick, concerning Confessional Youth Organizations. (USA 738)	IV	51
*1850–PS	Conferences, 1933, calling for financing of military training of SA from Ministry of Interior Funds. (USA 742)	IV	478
*1992–A–PS	Organization and Obligations of the SS and the Police from "National Political Education of the Army, January 1937". (USA 439)	IV	616
2061–PS	Oath of Reich Officials and of German Soldiers, 20 August 1934. 1934 Reichsgesetzblatt, Part I, p. 785	IV	702
2078–PS	Decree concerning establishment of Ministry for Science, Education and Popular Culture, 1 May 1934. 1934 Reichsgesetzblatt, Part I, p. 365	IV	706
2084–PS	Law on formation of the Student Organization at Scientific Universities, 22 April 1933. 1933 Reichsgesetzblatt, Part I, p. 215	IV	718

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2088–PS	Decree relating to tasks of Reichs Ministry for Education, 11 May 1934. 1934 Reichsgesetzblatt, Part I, p. 375..................	IV	718
2115–PS	Second Executive Order to the Law for the Hitler Youth, 25 March 1939. 1939 Reichsgesetzblatt, Part I, p. 710..............	IV	745
*2229–PS	The Reich Youth Leader at Work, published in National Socialist Party Press Service Release, 22 June 1933, pp. 2–3. (USA 668)....	IV	870
2260–PS	Settlement of Relationship between NSDAP and Stahlhelm (Steel Helmets) published in National Socialist Party Press Service release, 21 June 1933.............	IV	933
*2306–PS	Revolution of Education, by Baldur von Schirach, 1938, pp. 51–52, 63. (USA 860)..................	IV	997
2340–PS	German public officials law of 27 January 1937. 1937 Reichsgesetzblatt, Part I, p. 41...............	IV	1058
2392–PS	Extracts from The Third Reich, 1933, Vol. I, pp. 144–154..........	V	54
2393–PS	Extracts from The Third Reich, 1934, pp. 218–224................	V	58
2394–PS	Extracts from The Third Reich, 1935, Vol. III, pp. 208–212........	V	60
2395–PS	Extracts from The Third Reich, 1936, Vol. IV, pp. 360–362........	V	62
*2396–PS	Handbook of Collected Youth Laws, Vol. I, Group 1, pp. 19a, 19b, 20. (USA 673)..............	V	63
2397–PS	National Socialist Handbook for Law and Legislation by Dr. Hans Frank, p. 566.....................	V	65

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*2398–PS	Cooperation of Hitler Jugend with Wehrmacht, 11 August 1939, published in The Archive, No. 65, August 1939, pp. 601–602. (USA 677)...........................	V	66
2399–PS	Articles "School Community to replace parents' advisory committee" and "NSDAP takes over education of university students", published in The Archive, 1934, pp. 1039, 1147–1148.............	V	67
*2401–PS	The Hitler Youth as recruits for future leaders, from Organization Book of NSDAP, 1938, pp. 80–81. (USA 430)......................	V	69
2435–PS	Extracts from The Coming Germany, The Education of the Youth in the Reich of Adolf Hitler, by Kaufmann......................	V	113
*2436–PS	Extracts from Enjoyment, Discipline, Belief, Official handbook for cultural work in camp. (USA 859).........................	V	119
2438–PS	Extracts from Boys in Service, handbook for boys 10 to 14 years of age.........................	V	132
2439–PS	Extracts from Girl in Vacation Camp, official publication of Reichs Youth Headquarters.......	V	136
2440–PS	Extracts from Boys, Your World, the yearbook of the Hitler Youth...	V	139
*2441–PS	Affidavit of Gregor Ziemer, 4 October 1945, from his book "Education for Death". (USA 679).......	V	141
2442–PS	Guide of racial science and science of heredity of fostering congenitally sound progeny of family science..........................	V	176
2443–PS	Extracts from Education in the Greater German Reich...........	V	178

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2446–PS	Extracts from History Book for the German Youth	V	184
2451–PS	Decree of Reichsminister of Education Candidates for Teacher's Positions to Prove themselves in Hitler Youth, published in Voelkischer Beobachter, Berlin edition, 22 October 1935	V	187
2452–PS	Extracts from Organization Book of NSDAP, 1943	V	187
2453–PS	Education and Instruction in the Upper Schools, official publication of the Reich and Prussian Minister of Education, 1938	V	189
*2454–PS	Quotations from speeches of Hitler, published in Voelkischer Beobachter, Munich edition. (USA 676)	V	196
2455–PS	Statement by Hitler at Elbing, Germany, quoted in Voelkischer Beobachter, Berlin edition, 6 November 1933	V	198
2456–PS	Youth and the Church, from Complete Handbook of Youth Laws	V	198
2458–PS	Constitution of the German Student Corps, 1934 Reichs Ministerialblatt, pp. 76–79	V	199
*2567–PS	Decree signed by Himmler and von Schirach, concerning cooperation of HJ and SS, printed in The Young Germany, Berlin, February 1939. (USA 674)	V	301

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*2653–PS	The Way of German Youth, from The Third Reich, 5th Year, 1937, pp. 117–118. (USA 669).........	V	359
*2654–PS	Organization and Insignia of the Hitler Youth, edited by Reich Youth Headquarters of NSDAP. (USA 675)......................	V	361
2655–PS	Concordat between the Holy See and the German Reich, Article 31. 1933 Reichsgesetzblatt, Part II, p. 679, 687–8....................	V	364
2656–PS	The Bearer of Sovereignty, from speech of the Fuehrer at the Reichsparteitag, 1935.............	V	365
2900–PS	Speech by Frick at Anniversary meeting of Hitler Youth, published in The Archive, January 1936, p. 1339....................	V	567
2901–PS	Extract from The Book of the NSDAP, p. 95....................	V	568
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).........	V	801
*3751–PS	Diary of the German Minister of Justice, 1935 concerning prosecution of church officials and punishment in concentration camps. (USA 828; USA 858)...........	VI	636
*L–360–H	Agreement between the League for Germandom in Foreign Countries and the Hitler Youth, 6 May 1933. (USA 671)................	VII	1108
*Chart No. 2	Totalitarian Control of Propaganda and Education. (USA 21)..	VIII	771

9. PROPAGANDA, CENSORSHIP AND SUPERVISION OF CULTURAL ACTIVITIES

A. *The party organization.*

(1) *The Reichspropagandaleitung* (Party Propaganda Department) (RPL). This office was founded in 1932, as the central propaganda control office headed by Goebbels. Its functions were:

(*a*) To direct, supervise and synchronize propaganda within the Nazi movement.

> "Propaganda of the NSDAP, its formations and affiliated associations is the responsibility of the *Reichspropagandaleiter*.
>
> "He determines all manifestations of the Movement, including its formations and affiliated associations, with regard to propaganda.
>
> "He issues the directives for the Party, including its formations and affiliated associations, for the realization of the cultural wishes of the Fuehrer." (*2319–PS*)

These functions were organized vertically through a close network of *Gauleiters, Kreisleiters,* and *Ortsgruppenleiters* which reached even the smallest communities. In addition, synchronization of propaganda within the Movement was guaranteed through the *Reichsring fuer National-sozialistische Propaganda und Volksaufklaerung,* (National Socialist Organization for Propaganda and People's Enlightenment), an office within the *Reichspropagandaleitung.* The *Reichsring* constituted the center of control responsible for the complete coordination of Party and Movement in the field of propaganda.

> "The *Reichsring* * * * had the task to ensure the uniform direction of propaganda of all formations and affiliated associations through the Party." *(2319–PS)*

(*b*) To imbue the Nazi Movement and the people with Nazi ideology.

> "(The *Reichspropagandaleiter*) upon his initiative, is concerned with the permeation of German people with the National Socialist ideology.
>
> "He enlightens the people about the achievements of Party and State.
>
> "He controls the entire German wireless system with regard to its internal organizational, cultural and economic possibilities;
>
> "Press, radio and film are in the service of propaganda." (*2319–PS*)

(*c*) To coordinate Party propaganda with that of the Reich Government.

> "The liaison officer has the task of centralizing all contacts with the Reich Ministries, public authorities, and corporations and to establish all such contacts with same * * *". (*2319–PS*)

(*d*) To investigate the effectiveness of Nazi propaganda. This function was assigned to the lower grades of the Party leadership, and to regional and local officials, who assembled and analyzed information on public reaction to the current content of propaganda.

(*e*) Other activities of the *Reichspropagandaleitung* were discharged by numerous functional departments which included, *inter alia, "Hauptstellen"* (Main Bureaus) or offices for the following:

1. *Press*—preparation of all propaganda material issued by *Reichspropagandaleitung* for dissemination to newspapers.
2. *Exhibits and fairs*—supervision of propaganda aspects of exhibits and fairs in which the Party participated.
3. *Mass or "Aktive" propaganda*—organization of propaganda campaigns within the movement; training and supplying speakers with propaganda materials.
4. *Films*—Popularization of Nazi-inspired films; photographing official rallies.
5. *Radio*—radio propaganda.
6. *Culture* — making all forms of art conform to Nazi standards.

Other Bureaus included Architecture, Style and Design, Works of Art, Formulation of Programs, and Training of Speakers. (*2319–PS*)

The *Reichspropagandaleitung* was regionally organized into *Gau-, Kreis-,* and *Ortsgruppenpropagandaaemter* (*Gau,* district, and local propaganda offices). The *Gaupropagandaleiter* (leader of the *Gau* propaganda office) was at the same time the *Gau* representative of the Chamber of Culture (*Landeskulturwalter*) and in most cases also represented the regional office of the Propaganda Ministry, so that on the lower levels, Party and State propaganda were completely unified. (*2315–PS*)

(2) *The office of Reichspressechef* (Reich Press Chief).

The office of Reich Press Chief of the NSDAP was created in

1934 by decree of the Fuehrer (*2319–PS*). The functions of this office were exclusive:

> "The Reich Press Office of the NSDAP is the central office for the entire political publishing activity of the Party. It represents the press interests of the Reich leadership of the NSDAP *vis a vis* both the German and the foreign press. It alone has the authority to issue directives to the press of Reich policies concerning the treatment of Party affairs. It alone has the authority to issue press directives to all offices of Reich leadership. It is responsible for the political and editorial preparations, execution and utilization of all important Party activities in the Reich. It supplies the domestic and foreign press with information, news and commentaries about the Party. It keeps a record of press reaction to the Party work in publications of the domestic and foreign press." (*2319–PS*)

The Reich Press Chief exercised control over all press offices, including the chief editors of the National Socialist newspapers, as well as the *Gau* press wardens of the Party. He also served as liaison officer between the Party press and the "Independent" press, and between Party and Government. (*2319–PS*)

The executive functions of the Reich Press Chief were carried out by two offices:

(*a*) *The Pressepolitisches Amt* (Press Political Office).

(*b*) *The Pressepersonalamt* (Press Personnel Office), which was in charge of training journalists and keeping files on German and foreign journalists.

The vertical organization of press controls, corresponding to that of the *Reichspropagandaleitung,* included *Gau-, Kreis-* and *Ortsgruppen* departments. Each was headed by an *Amtsleiter,* or press warden, who was responsible for the entire Party press within his sphere of jurisdiction. He supervised the editorial policy of the Party press, issued information bulletins about the activities of the Movement, and served as liaison officer between the Party and non-Party press. He also transmitted local information to headquarters for distribution and made recommendations concerning the appointments of local party editors. The *Gau-* and *Kreis-* press wardens, at the same time, served as regional and local representatives of the Home Press Division of the Propaganda Ministry and of the Reich Press Chamber. (*2319–PS; 2315–PS*)

(3) *The Reichsleiter fuer die Presse* (Reich Press Leader).

The Reich Press Leader, Max Amann, was charged with supervising all matters concerning the German publishing business. The *Organisationsbuch der NSDAP* (1937) described his function as follows:

> "He is charged with the creation of a press for the German people, which is responsible and answerable to him, and which reflects the life and experiences of the German people's community. In addition, the Reichsleiter for Press has the function of issuing regulations necessary to carry out the demands concerning publication policies established in Article 23 of the Party Program and to supervise their execution." (*2319-PS*)

Article 23 of the Party Platform referred to above, provided, *inter alia,* that (a) all editors and newspaper personnel must be "members of the nation"; (b) non-Germans are prohibited from financial participation in, or influence of, newspapers; (c) the publication of papers "which do not conduce to the national welfare" is prohibited; (d) tendencies in art or literature "of a kind likely to disintegrate our life as a nation" will be prosecuted; and (e) "institutions which militate against the requirements mentioned above" will be suppressed. (*1708-PS*)

Thus the Reich Press Leader was not only empowered to control all publishing houses of the Party, but was assigned the task of bringing the entire German press into line with National Socialist ideology. To this end he was given wide and specific powers.

His sphere of jurisdiction included specifically:

(*a*) The administration, publishing, and financing of the Party press;

(*b*) The establishment of newspapers by Party members or affiliated associations;

(*c*) The incorporation of newspapers into the Party press combine;

(*d*) The appointment of publishers and of their deputies;

(*e*) The termination or alteration of contracts with newspapers;

(*f*) The appointment of Commissars to supervise publishing houses. (*2319-PS*)

In addition to controlling the administration and finance of the National Socialist publishing houses in the *Gau,* the Press Leader headed the *Zentralverlag,* which was the central publishing house and holding company of the entire Party publishing machine and all its official organs, such as *Der Voelkischer Beobachter, Der Angriff, Der SA Mann, Das Schwarze Korps, Die HJ,* etc. (*3016-PS*)

It was one of the Reich Press Leader's duties to turn all publishing by Party officials into a lucrative undertaking, and to set up an absolute monopoly in the publication of all political literature. To effectuate that objective, a decree was passed which made it mandatory for all "manuscripts which have National Socialist problems and subject matter as themes" to be offered first to *Eher Verlag* publication. (*2383–PS*)

The *Reichsleiter fuer die Press,* who was also president of the Reich Press Chamber, exercised economic controls over the entire German press. He made use of his position to expand the Party publishing machine at the expense of non-party newspapers. As president of the Reich Press Chamber, he was authorized to issue directives with the force of law. In that capacity he issued certain regulations which had the effect of prohibiting the ownership of newspapers by corporations of any kind, except the NSDAP or such groups as were approved by the Party. (*2315–PS*)

These decrees enabled Amann to close down one or more papers in a particular locality "to safeguard reasonable standards of competition." They thus provided, along with racial and other discriminatory legislation, the "legal" basis for the pressure which was brought to bear on such publishing firms as Ullstein and other opposition publications, in order to force them to sell out to the Party. These sales were in no sense voluntary; the alternative in each case was total suppression. The authorizing decree provided:

> "The President of the Reich Chamber of the Press will therefore endeavor at first in every individual case to effect agreements which will relieve him of the necessity of issuing orders for the closing of establishments." (*2315–PS*)

Max Amann has admitted in an affidavit that he discharged his duties as Reich Press Leader consistently with the statement of his functions contained in the Party Organization Book and with Article 23 of the Party Program. He has further stated that racial and other discriminatory legislation made it expedient for firms "owned or controlled by Jewish interests, or by political or religious interests hostile to the NSDAP * * * to sell their newspapers or assets to the Eher concern"; and that there was "no free market for the sale of such properties and the Franz Eher Verlag was generally the only bidder." His affidavit concludes as follows:

> "It is a true statement to say that the basic purpose of the Nazi press program was to eliminate all press in opposition to the Party." (*3016–PS*)

(4) *Parteiamliche Prufungskommission zum Schutz des NS-*

Chriftums (Office of Party Examining Commission for the Protection of National Socialist Publications) (PPK)

The PPK was charged with the censorship and supervision of all literature with cultural or political implications. According to the Party Manual:

> "The functional scope of the official Party Examining Commission is not confined to any one group of publications but includes the entire publishing field. Thus the work of the Official Party Examining Commission is sub-divided into departments for books, magazines and newspapers. Out of these main departments a group of important special fields have emerged as more or less independent fields. They are specifically the editing of speeches, scientific books, textbooks, scientific periodicals and the calendar as a special type of magazine." (*2319–PS*)

The Examining Commission's function was to protect National Socialist literature from attempts to destroy its propagandistic effect or to pervert its political and social content. The Party Manual stated:

> "It is the function of the Examining Commission to protect the National Socialist literature from abuse, corruption, and attempts at dissolution. Thus it forestalls the infiltration of elements within the National Socialist literature which are irreconcilable with it." (*2319–PS*)

In addition, the PPK concerned itself with the actual suppression of literature incompatible with Party tenets, and with the approval of those works which it deemed beneficial to the extension of the National Socialist ideology. The Party Manual specified as follows:

> "Particularly it is the function of the official Party Examining Commission to determine whether or not a work can be considered National Socialist literature." (*2319–PS*)

This office worked in close collaboration with the Delegate of the Fuehrer for the Total Supervision of the Intellectual and Ideological Training and Education of the People (Rosenberg). (*2319–PS; 2383–PS*)

(5) *The Beauftragte des Fuehrers fuer die Ueberwachung der gesamten geistigen und weltansschaulichen Schulung und Erziehung der NSDAP* (Delegate of the Fuehrer for the Total Supervision of the Intellectual and Ideological Training and Education of the Party) (BdF).

The delegate of the Fuehrer was *Reichsleiter* Alfred Rosenberg. The Office of the BdF was placed in charge of the Party's intellectual and ideological training and education. Its declared objective was the uniform ideological orientation of the Party, Party formations, and affiliated associations. Its main functions, in furtherance of this objective, were the preparation of suitable training materials and the issuance of directives thereon; the preparation, editing, and establishment of curricula; the training of qualified teaching staffs; the counseling of Party agencies, formations, and affiliates on content and methods of indoctrination; and the elimination of such reading and teaching materials as were deemed inappropriate from a National Socialist point of view. To perform these tasks, Rosenberg had the assistance of a large organization with numerous functional divisions (*2319–PS*). The BdF took a major part in the work of Party organizations, affiliated associations, and schools and training institutes which were instrumental in the indoctrination of the German people and youth. (*2383–PS*)

B. *The Reich government organization.*

The state organ of control was the *Reichsministerium fuer Volksaufklaerung und Propaganda* (Reich Ministry for Popular Enlightenment and Propaganda). The Minister was Josef Goebbels. The Ministry was founded by decree dated 13 March 1933, which defined its duties as the "enlightenment of, and propaganda among, the people on the subject of the policy of the Reich government and on the national reconstruction of the homeland." (*2029–PS*). By decree dated 30 June 1933 the functions of the Minister were extended to include "jurisdiction over the whole field of spiritual indoctrination of the nation, of propagandizing the State, of cultural and economic propaganda, of enlightenment of the public at home and abroad; furthermore he is in charge of all institutions serving these purposes." (*2030–PS*). In the words of Mueller, an authority on the Propaganda Ministry, these decrees formed the basis for the creation of a central agency for propaganda "the like of which heretofore existed nowhere in the world." (*2434–PS*). The influence which this agency exerted on the everyday life and activities of the German citizen was illustrated by the multitude of civic and cultural affairs, including public entertainment, which fell under the sweep of its direction and control. (*2434-PS*)

A few of the more important departments of the Propaganda Ministry, together with a brief description of their respective functions, follows:

(1) *Personnel.* This department issued directives for unified

personnel policy, and exercised general supervision over the personnel of public art instituted within the entire Reich.

(2) *Law.* "The nuclear task of the law department is the publication and execution of national socialist cultural laws. The professions and institutions of literature and art had to be transformed from carriers of a liberal individualistic intellectual movement to the carriers of the tasks of public propaganda and leadership. To reach this goal required the enactment of governmental decrees for creating new organizations or the making of new laws."

(3) *Propaganda.* This department coordinated propaganda policies and issued over-all directives to the various functional departments (press, radio, etc.) which then carried out the directives. A special function was "enlightenment of the people as to Jewish question" and as to "racial policies."

(4) *Foreign.* This department was the Ministry's listening post for political and economic developments abroad "to counteract the worldwide publicity activities of the enemy against our philosophy and our political objectives by exposing and rectifying the lies of the press" and to exploit the information in German propaganda. It also cooperated closely with the *Auslandsorganization der NSDAP.*

(5) *Radio.* Hans Fritzsche headed this department. It supervised the political content of German broadcasting, issued directives as to the arrangement of programs and treatment of material, and cooperated with the Party in the technical organization of German radio.

(6) The *Film Department* was in charge of directing and guiding the German film industry, censoring of films, and developing the German weekly newsreel.

(7) *Literature.* This agency, in close collaboration with BdF and PPK, controlled all German literary activities, censored new books, provided for the publication of German books abroad, and arranged for the translation and censorship of foreign books.

(8) *Abteilung Deutsche Presse* (German or Home Press Department). This department was headed by Fritzsche until he was relieved in 1942 to take charge of the Radio Division. It was responsible for political control over the entire German press; it controlled the editorial policy of the press and its personnel (through the Reich Press Chamber), and supervised the dissemination of news through the official German News Agency (DNB). The Home Press Division outlined the editorial policy of all newspapers and the comment of editors and journalists in its daily directives. (*Tendenz berichte*). These dealt with the

daily contents of the paper, the methods of treatment of news material, the writing of headlines, the preference for or omission of certain items, and the modification or cessation of current campaigns. The directives were issued to the representatives of the press in person or sent through the facilities of the DNB to the local papers. (*2434–PS; 2529–PS*)

The Home Press Department of the Propaganda Ministry had an important participation in administering the provisions of the Editorial Control Law, which made the profession of editor "a public task, which is regulated as to its professional duties and rights by the state." That law also included requirements for admission to the profession and other elaborate controls. (*2083–PS*)

(9) *Periodical Literature.* This department supervised German periodical literature in the same manner as the *Abteilung Deutsche Presse* controlled the daily press.

Other divisions exercised supervision over the Theatre (selection and supervision of the entire dramatic production and influencing the programs of all German Theatres); the Arts; Music ("the entire cultural and political leadership of German musical life"); Special Cultural Tasks ("This department serves mainly to eliminate all Jews from German Cultural life"); and Foreign Tourists. (*2434–PS*)

A large organization of faithful Party followers was recruited to discharge the manifold functions of the Propaganda Ministry. The staff numbered 1000 persons in 1939-1940. In the words of Mueller:

> "It is no accident; therefore, that the great majority of the official workers and other personnel of the Ministry consist of reliable National Socialists of which almost 100 are bearers of the Gold Party Pin." (*2434–PS*)

C. *The semi-autonomous professional organizations Reichskulturkammer* (Reich Chamber of Culture).

The Reich Chamber of Culture was set up in September 1933 to control (under the supervision of the Propaganda Ministry and within the framework of general policy directives issued by that activity) personnel engaged in all fields of propaganda (*2082–PS*). Its tasks as described in the First Executive Decree of the above law, dated 1 November 1933, were:

> "To promote German culture as responsible to the people and the Reich, to regulate the social and economic relations of the different groups in the cultural professions and to coordinate their aims." (*2415–PS*)

The *Reichskulturkammer* was a so-called *"Nachgeordnete Dienststelle"* (Subordinate office) of the Propaganda Ministry. Together with its subordinate Chambers it was charged with supervising all personnel active in any field under the jurisdiction of the Propaganda Ministry. All persons employed in the cultural professions were obligated to register with one of the subordinate Chambers. The Chambers were also responsible for investigating the activities and political reliability of their members. Moreover, power was given to Chambers to prosecute members offending against Nazi standards or persons pursuing their occupation without being duly registered. The punitive powers included, expulsion from membership, which was tantamount to the loss of livelihood. The Chambers were also given power to issue directives, which had the validity of law, regulating the cultural activities under their control (*2529–PS*). The President of the Chamber of Culture was the Minister of Propaganda, Joseph Goebbels, who nominated the Vice-Presidents. In 1937, the latter consisted of Walter Funk, Max Amann (Reich Leader of the Press) and Leopold Gutterer (Secretary of State in the Propaganda Ministry).

The Chamber of Culture was divided into seven functional chambers:

(1) *Reichspressekammer* (Reich Press Chamber). Max Amann was president of this chamber, which was, to a greater extent than the other chambers, a loose association of technical bodies and organizations, such as the Reich Association of German Newspaper Publishers. It integrated the activities of these groups and, through the composition of its governing body, ensured close coordination with Party and State propaganda machinery. (*2529–PS; 3016–PS*)

(2) *Reichskammer der bildenden Kunste* (Reich Chamber of Fine Arts). This chamber supervised the activities of all architects, interior decorators, landscape gardeners, sculptors, painters, draftsmen, art publishers, etc. By 1937, all other art groups and associations had been dissolved, and all their members "obligated by profession" to join this chamber. (*2529–PS*)

(3) *Reichsmusikkammer* (Reich Music Chamber). This Chamber was organized to "oversee the practice and activity of musicians in their cultural, economic, and legal relationships with the world. * * * in order that music will still remain a prized possession of the German people." (*2529–PS*)

(4) *Reichstheaterkammer* (Reich Theater Chamber). The Theater Chamber was the professional organization for the entire field of the professional theater. Its purpose was to super-

vise and promote the "cultural, social and economic conditions of the professions which it includes". Actual censorship of stage production was the responsibility of the *Reichsdramaturg.* (*2529-PS*)

(5) *Reichsfilmkammer* (Reich Film Chamber). The primary function of this Chamber was to lift the film industry "out of the sphere of liberal economic thoughts" by giving it a sound economic foundation and thus enable it to "receive those tasks which it has to fulfill in the National Socialist State". (*2529-PS*)

(6) *Reichsschrifttumskammer (*Reich Chamber of Literature). The Chamber of Literature had jurisdiction over all persons concerned with the "basic production" (writing and publishing) of literature. Its task was to protect writers "from undesirable elements" and to keep out of the book market everything "unGerman." It had the further function of bringing literature to the people and making the writer more "aware of his duty to the nation." Primary responsibility for critical evaluation and censorship of literature however, was left to the Propaganda Ministry. (*2529-PS*)

(7) *Reichsrundfunkkammer* (Reich Radio Chamber). The official gazette of the Reich Culture Chamber stated that the radio was the most immediate propaganda instrument of the National Socialist leadership; that the ideal and cultural life of the nation could be shown "totally" in and through the radio; and that since the radio constituted the most important technical means of influencing the masses it was necessary to establish a close tie between the radio and the Party.

Functions of the Radio Chamber included: mobilizing of all technical possibilities of broadcasting, bringing the people closer to radio, planning the manufacture of cheap receiving sets, and propaganda in connection with the drive for new listeners. (*2529-PS*)

CHAPTER VII

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO PROPAGANDA, CENSORSHIP, AND SUPERVISION OF CULTURAL ACTIVITIES

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	International Military Tribunal, Indictment Number 1, Section IV (D) 3 (e)..................	I	21
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*1708-PS	The Program of the NSDAP. National Socialistic Yearbook, 1941, p. 153. (USA 255; USA 324).....	IV	208
2029-PS	Decree establishing the Reich Ministry of Public Enlightenment and Propaganda, 13 March 1933. 1933 Reichsgesetzblatt, Part I, p. 104...	IV	652
2030-PS	Decree concerning the Duties of the Reich Ministry for Public Enlightenment and Propaganda, 30 June 1933. 1933 Reichsgesetzblatt, Part I, p. 449..............	IV	653

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2082-PS	Law relating to the Reich Chamber of Culture of 22 September 1933. 1933 Reichsgesetzblatt, Part I, p. 661	IV	708
2083-PS	Editorial control law, 4 October 1933. 1933 Reichsgesetzblatt, Part I, p. 713	IV	709
2315-PS	Order concerning the Supervision of District Leaders of Work of Reich Chamber of Culture, published in The Law of the Reich Chamber of Culture, Vol. 2, 1 January to 30 June 1935	IV	1007
*2319-PS	Extracts from Organization Book of NSDAP, 4th edition, 1937. (USA 602)	IV	1009
*2383-PS	Ordinance for execution of decree of Fuehrer concerning position of the Head of Party Chancellery of 16 January 1942, published in Decrees, Regulations, Announcements. (USA 410)	V	9
2415-PS	First decree for the implementation of law relating to The Reich Chamber of Culture, 1 November 1933. 1933 Reichsgesetzblatt, Part I	V	89
*2434-PS	The Reich Ministry for Enlightenment of the People and for Propaganda, Berlin 1940, by Georg Mueller. (USA 722)	V	102
2529-PS	Extracts from Handbook of Reich Chamber of Culture for 1937	V	262
*3016-PS	Affidavit of Max Amann, 19 November 1945. (USA 757)	V	735
*3469-PS	Affidavit of Hans Fritzsche, 7 January 1946. (USA 721)	VI	174
*Chart No. 2	Totalitarian Control of Propaganda and Education. (USA 21)	VIII	771

10. MILITARIZATION OF NAZI ORGANIZATIONS

A. *The Nazi conspirators placed many of their organizations on a progressively militarized footing with a view to the rapid transformation and use of such organizations as instruments of war.*

(1) *The Schutzstaffeln (SS).* The SS was militarized beginning in March 1933, when special, volunteer, armed units were created consisting of full-time garrisoned troops. These units, which rapidly grew in strength, were a part neither of the Wehrmacht, nor of the police, but were exclusively at the disposal of the Fuehrer. This militarization of the SS was in accordance with Nazi policy. (For documentation and further discussion see Chapter XV, Section 5.)

(2) *The Sturmabteilung (SA).* The SA was founded in 1921 as a para-military organization to fight political enemies of the Nazis. After the accession of the Nazis to power, the SA was used to provide pre-military training at a time when the Reichswehr was legally limited to a strength of 100,000 men. Thus the SA, from its inception, had a military purpose, which was carried out and gradually increased in scope. (For documentation and further discussion see Chapter XV, Section 4.)

(3) *The Hitler Jugend (HJ).* One of the chief purposes of the Hitler Jugend was to provide for military training of German youth at a very early age. As early as 1933, the HJ entered into a secret program of extensive pre-military training for German youth in conjunction with the SA and the Wehrmacht. In addition to general military training, members of the HJ were given specialized training in various types of military units, such as flying units, naval units, motorized units, signal units, etc. (For documentation and further discussion, see Section 8, *supra.*)

(4) *The National Socialist Motor Corps (NSKK).* The original NSKK was founded under the name of NSAK (National Socialist Automobile Corps) on 1 April 1930 by Hitler, who joined as its first member. By the end of 1931 it had a membership of approximately 10,000, as compared to 300 at the beginning of that year (*2804–PS*). In 1934 the motorized Hitler Jugend and the motorized SA were placed under the NSKK. Hitler, on 23 August of that year, decreed that:

> "the NSAK and the motorized SA are from now on welded together into a unit called NSKK. The NSKK is directly subordinate to me". (*2804–PS*)

Thus the NSKK was elevated to the position of an independent affiliated unit of the NSDAP, similar to the SA and the SS. The membership of the enlarged NSKK grew rapidly.

The military purpose of the NSKK is evident from the following statement from The *Organizationbuch der NSDAP* (1940):

> "The young driver who has received his training in the six-week courses of the NSKK will be well prepared in body and spirit when the time comes for his military service, and will wear with pride the dress of the Armed Forces of the Nation." (*2320-B-PS*)

The program of militarization proceeded rapidly:

> "More than one-third of all leaders and men of the NSKK, which had in the meantime grown to a membership of 350,000, were already active in the fight for power * * * Thus, the NSKK had in its ranks, in addition to the proud tradition of the period of our fight, also that of the World War. This front spirit and experience of a generation matured to manhood in the barrages, in the battles of attrition, in the battles of the Freikorps, and in the heroic fight of National Socialism for Germany's rebirth, is passed on to our youth as a sacred heritage." (*2804-PS*)

The training given to NSKK members was intended to furnish seasoned recruits for the Nazi military forces.

> "Military motorized training of our youth is the cardinal task of the educational work of the NSKK. Here it collaborates most closely with the bearer of the arms of the Reich, the Wehrmacht, and it has done so already throughout the years before the seizure of power. The demands and needs of the Army, which continuously grew in scope after the awakening of our Nation and after our regained military freedom also caused the tasks and the work of the NSKK in the field of military motorized training to grow correspondingly * * * By order of the Fuehrer and Supreme Commander of the Wehrmacht, the NSKK has been given charge of the pre-military training of the entire young reserve of the motorized troop units of our Army in addition to post-military training." (*2804-PS*)

NSKK-trained men were intended to be assimilated into Reich Panzer units.

> "Well prepared physically and spiritually, the young German man who has now become a motorized soldier, can serve with a motorized or partially-motorized unit of the Army. To become a tank soldier is his only ambition." (*2804-PS*)

The NSKK was actually used for military purposes.

> "The men of the NSKK have considerably contributed to the liberation of the Sudetenland by the Fuehrer and have thus gained undying merit, not only for the Germans in the Sudetenland, but for the entire German people as a whole." (*2804–PS*)

Further evidence of actual military use of the NSKK is given in the following passage from *"Deutschland im Kampf"* written by *Ministerialdirigent* A. J. Berndt of the Reich Propaganda Ministry and Lt. Col. von Wedel of the German Army High Command, in the issue of June 1940:

> "The NSKK is playing a decisive part in the carrying out of considerable war-important tasks on the Inner Front, one of which is traffic. * * * Among the tasks of the NSKK are pre-military training, education, and schooling and motorized transport. Thus, for instance, the conducting of the entire transport system of the TODT Organization on the West Wall and the traffic in the Western War Theater are in the hands of the NSKK." (*2810–PS*)

(5) *The National Socialist Aviation Corps (NSFK).* The NSFK was another organization affiliated with the NSDAP used by the Nazi conspirators for military purposes. It was the great training school for the Luftwaffe.

> "In the endeavor to assure for the German Luftwaffe a numerically strong and well prepared reserve, and to strengthen in the German people the conviction that Germany must retain its head-start in all spheres of aviation, the NSFK was founded by the Fuehrer on 17 April 1937 * * *.
>
> "The NSFK at the time of its creation, was given the following tasks by the Reichsmarshal:
>
> "1. Pre-military aviation training of the new blood for the Luftwaffe.
>
> "2. The keeping in training of the reservists of the aviation troops.
>
> "3. The combining and directing of all German air sports.
>
> "4. Promotion and extension of the aviation idea among the German people.
>
> "These tasks are so great that the cooperation of tens of thousands of active members is necessary to make carrying them out possible, so that the Luftwaffe may be able at any time to count on their fulfillment according to plan." (*2811–PS*)

The paramount military purpose of the NSFK is clearly indicated in the following admission by *Generalleutnant* Friedrich Christiansen, *Korpsfuehrer* of the NSFK:

> "Schooled in character, trained physically as a flier, and as a soldier, the member-to-be of the Luftwaffe leaves the NSFK." (*2813-PS*)

(6) *The Reichsarbeitdienst (RAD)* (The Reich Labor Service). The Reich Labor Service was also subverted to military purposes by the Nazi conspirators.

Membership in the RAD was made compulsory for both young men and women on 26 June 1935.

> "All young Germans of either sex between 18-25 years of age are obligated to serve their people in the Reich Labor Service. As the schooling of the Nation, it has as its object this education of the German Youth to National Socialist Ideology.
>
> "The Reich Labor Service for men is, thanks to its military nature, closely-knit units, and its particular education and training an ever-ready, powerful tool of the National Socialist Reich." (*2805-PS*)

The tens of thousands of members of the RAD were militarily trained and ready for action when Germany launched her campaigns of aggression. Actual military use of the men of the RAD is clearly shown in the 1 June 1943 edition of *"Fuehren und Erziehen"* (Leadership and Education), the official magazine of the Reich Labor Service. A photograph depicts a Labor Service man repairing a bridge at the front, across which four infantrymen are proceeding, and is titled as follows:

> "The young crews who have gone through the educational institutions of the Reich Labor Service today represent the most active nucleus of our Army. * * * Our photograph shows labor men who in the East are preparing the way for infantry shock troops by repairing a bridge. Thus also the men of the Reich Labor Service are today one of the examples of eternal German soldierdom." (*2806-PS*)

The military uses of the RAD are further described in the following letter written by Goering to Reich Labor Service Leader Konstantin Hierl:

> "After the victorious termination of the campaign in Poland, I cannot but convey to you my sincere thanks for and unreserved recognition of the help rendered by the Reich Labor Service in the carrying out of the operations of the Luftwaffe. In guarding Army airfields, in clearing and quickly repairing former enemy airports, in road construction and

> in bringing up supplies, everywhere your men have done a real job and have thus contributed considerably to the successes of the German Luftwaffe." (*2807–PS*)

(7) *The TODT Organization (OT).* The TODT Organization, or OT, was another NSDAP affiliate used to further the militaristic aims of the Nazi conspirators. The OT, originally an offshoot of the RAD, was created as a separate entity in June 1938 when Dr. Fritz Todt was charged with the construction of the Siegfried Line or West Wall. The military employment of the OT is clearly shown in the following passage from *"Maenner der OT"*, which was published by the Photographic Office of the Reich Propaganda Office:

> "No sooner had the greatest and most modern fortifications of the world, the West Wall, been completed by the workers of the OT, when these very same workers were called upon by the Fuehrer to prove their worth also in direct front service * * * and they thus helped * * * to achieve the greatest victory in history. When the great offensive in the west began, the brown workers' columns of the TODT organization followed immediately behind them. After the armistice with France had been signed, an entirely new situation developed for the TODT organization. Its columns had pushed deep into enemy country. Not seldom did they have direct contact with the enemy — their losses in dead and wounded and the Iron Cross awards are heroic proof of that. While, as the foremost construction workers of the German Reich, they had already proved their worth when building the West Wall, they were now able to perfect what they had learned in the fight against the British world enemy. From the Channel coast to the Atlantic Ocean, the front technicians and front workers of the OT now proceeded to create the prerequisites for a successful fight against England." (*2808–PS*)

Though the OT was in its origin technically a civilian organization, it subsequently became a para-military body which, before and during the war, cooperated fully with the German Army. On 2 July 1940, a directive was issued from the German High Command appointing a liaison officer.

> "* * * to establish the closest liaison and cooperation of the respective military offices with the main construction work of the TODT Organization." (*2812–PS*)

This militarization of the OT is further shown in the following passage from *"Nationalsozialistische Monatschefte"* for 1942:

> "From the Autobahn workers was developed the 'Organization TODT' a body of hundreds of thousands of workers who

> help the Wehrmacht everywhere in eliminating obstacles, building bridges and erecting fortifications and shelters. The front soldier and the front worker stand side by side. Together they have shed their blood in this war and together they have won victories. Long-range guns on the Channel coast, U-boat bases on the Atlantic, and now the East will render the 'OT' immortal for all times to come." (*2809–PS*)

A letter from Fritz Sauckel to Hitler, dated 17 May 1943, states that the OT had supplied 248,200 workers by March 1943 for the completion of the Atlantic Wall, and praises the OT for its excellent work in this regard. (*407–VIII–PS*)

By 1938, all phases of German life *had been* mobilized for the accomplishment of militant aims.

Hitler declared to the Reichstag on 20 February 1938:

> "Only now we have succeeded in setting before us the great tasks and in possessing the material things which are the prerequisites for the realization of great creative plans in all fields of our national existence. Thus, National Socialism has made up within a few years for what centuries before it had omitted. * * *
>
> "National Socialism has given the German people that leadership which as party not only mobilizes the nation but also organizes it, so that on the basis of the natural principle of selection, the continuance of a stable political leadership is safeguarded forever * * * National Socialism * * * possesses Germany entirely and completely since the day when, five years ago, I left the house in Wilhelmplatz as Reich Chancellor. There is no institution in this state which is not National Socialist. Above all, however, the National Socialist Party in these five years not only has made the nation National Socialist, but also has given itself that perfect organizational structure which guarantees its permanence for all future. *The greatest guarantee of the National Socialist revolution lies in the complete domination of the Reich and all its institutions and organizations, internally and externally, by the National Socialist Party. Its protection against the world abroad, however, lies in its new National Socialist armed forces.* * * *
>
> "In this Reich, anybody who has a responsible position is a National Socialist. * * * Every institution of this Reich is under the orders of the supreme political leadership. * * * The party leads the Reich politically, the armed forces defend it militarily. * * * There is nobody in any responsible position in this state who doubts that I am the authorized leader of this Reich." (*2715–PS*)

CHAPTER VII

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO MILITARIZATION OF NAZI ORGANIZATIONS

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a)	I	5
	International Military Tribunal, Indictment Number 1, Section IV (D) 3 (f)	I	21
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*407-VIII-PS	Telegram from Sauckel to Hitler, 17 May 1943, concerning foreign labor. (USA 210)	III	394
2320-B-PS	Extracts from Organization Book of NSDAP, 1940, p. 394	IV	1026
*2715-PS	Speech by Hitler to the Reichstag on 20 February 1938, published in The Archive, February 1938, Vol. 47, pp. 1441-1442. (USA 331)	V	376
2804-PS	Extracts from "Das NSKK" by Hans Helmut Krenzlein, NSKK Gruppenfuehrer, with foreword by Leader of NSKK, Korpsfuehrer A. Huehnlein	V	446

Document	Description	Vol.	Page
2805–PS	Extract from Organization Book of NSDAP, 1943, p. 465..........	V	447
2806–PS	Extract from Leadership and Education, official magazine of Dutch Labor Service, 1 June 1943, p. 19...	V	448
2807–PS	Letter by Goering to Reich Labor Service Leader Konstantin Hierl, published by National Socialist Monthly, 1940, Vol. I, p. 155......	V	448
2808–PS	Men of the OT, published by Photographic Office of Reich Propaganda Office...............	V	448
2809–PS	Extract from National Socialist Monthly, February-March, 1942, p. 167........................	V	449
2810–PS	Extract from Germany in Battle, by Berndt of Reich Propaganda Ministry and von Wedel of German Army High Command, 1940, p. 107........................	V	449
2811–PS	Extracts from Organization Book of the NSDAP, 1938, pp. 470, 470(c)........................	V	450
2812–PS	Directive from German Army High Command, published in General Army Bulletin, 1940, Vol. VII, p. 96.........................	V	450
2813–PS	Extract from The National Socialist Air Corps, p. 14...............	V	451
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167).........	V	801

Chapter VIII

ECONOMIC ASPECTS OF THE CONSPIRACY

It is well known that the Nazi conspirators rearmed Germany on a vast scale. The purpose of that rearmament is revealed in the secret records of the plans and deliberations of the inner councils of the Nazis. These records show that the reorganization of the German government, the financial wizardry of Hjalmar Schacht, and the total mobilization of the German economy largely under Hjalmar Schacht, Hermann Goering, and Walter Funk, were directed at a single goal: aggressive war.

I. ECONOMIC MOBILIZATION FOR WAR

The significance of the economic measures adopted and applied by the conspirators can be properly appraised only if they are placed in the larger social and political context of Nazi Germany. These economic measures were adopted while the conspirators were directing their vast propaganda apparatus to the glorification of war. They were adopted while the conspirators were perverting physical training into training for war. They were adopted while these conspirators were threatening to use force and were planning to use force to achieve their material and political objects. In short, these measures constitute in the field of economics and government administration the same preparation for aggressive war which dominated every aspect of the Nazi state.

In 1939 and 1940, after the Nazi aggression upon Poland, Holland, Belgium, and France, it became clear to the world that the Nazi conspirators had created probably the greatest instrument of aggression in history. That machine was built up almost in its entirety in a period of less than one decade. In May of 1939 Major General George Thomas, former Chief of the Military-Economic Staff in the Reich War Ministry, reported that the German Army had grown from seven Infantry divisions in 1933 to thirty-nine Infantry divisions, among them four fully motorized and three mountain divisions; eighteen Corps Headquarters; five Panzer divisions; twenty-two machine gun battalions. Moreover, General Thomas stated that the German Navy had greatly expanded by the launching, among other vessels, of two battleships of thirty-five thousand tons, four heavy cruisers of ten thousand tons, and other warships; further, that the Luftwaffe had grown to a point where it had a strength of two hundred sixty thousand men, twenty-one squadrons, consisting of two hundred forty echelons, and thirty-three Anti-Aircraft Batteries. (*EC–28*)

General Thomas further reported, in a lecture delivered on 24 May 1939 in the Nazi Foreign Office, that out of the few factories permitted by the Versailles Treaty there had arisen * * *

> "The mightiest armament industry now existing in the world. It has attained the performances which in part equal the German wartime performances and in part even surpasses them. Germany's crude steel production is today the largest in the world after the Americans. The aluminum production exceeds that of America and of the other countries of the world very considerably. The output of our rifle, machine gun, and artillery factories is at present larger than that of any other state." (*EC–28*)

These results—about which General Thomas spoke in his book entitled *Basic Facts for a History of German War and Armaments Economy*—were achieved only by making preparation for war the dominating objective of German economy. As General Thomas stated on page 479 of his book:

> "History will know only a few examples of cases where a country has directed, even in peace time, all its economic forces deliberately and systematically towards the requirements of war, as Germany was compelled to do in the period between the two World Wars." (*2353–PS*)

The task of mobilizing the German economy for aggressive war began promptly after the Nazi conspirators' seizure of power. It was entrusted principally to Schacht, Goering, and Funk.

Schacht was appointed President of the Reichsbank in March 1933, and Minister of Economics in August 1934. The world did not know, however, that the responsibility for the execution of this program was entrusted to the office of the Four Year Plan under Goering (*EC–408*). Nor did the world know that Schacht was designated Plenipotentiary for the War Economy on 21 May 1935, with complete control over the German civilian economy for war production in the Reich Defense Council, established by a top secret Hitler decree.

A letter dated 24 June 1935, at Berlin, and signed by von Blomberg, reads in part:

> "* * * The Fuehrer and Reich Chancellor has nominated the President of the directorate of the Reichsbank, Dr. Schacht, to be Plenipotentiary-General for War Economy. * * *
>
> "* * * I point out the necessity of strictest secrecy once more * * *." (*2261–PS*)

Through Schacht's financial genius monetary measures were devised to restore German industry to full production; and through the control of imports and exports, which he devised under his new plan of 1934, German production was channeled in accordance with the requirements of the German war machine.

In 1936, with an eye to the experience in the First World War, the Nazi conspirators embarked on an ambitious plan to make Germany completely self-sufficient in strategic war materials such as rubber, gasoline, and steel, in a period of four years, so that Germany would be fully prepared for aggressive war. The responsibility for the execution of this program was entrusted to the office of the Four Year Plan under Goering. A "memorandum on the Four Year Plan and Preparation of the War Economy," dated 30 December 1936, and marked "Secret Command Matter", sets out that the Fuehrer and Reich Chancellor has conferred powers in regard to mobilization preparations in the economic field that need further definition. The third paragraph refers specifically to Minister-President, Generaloberst Goering as Commissioner of the Four Year Plan, by authority of the Fuehrer and Reich Chancellor granted 18 October 1936. The existence of this program involved the reorganization and control of the whole German economy for war. (*EC–408*)

The military objectives of the German economy were clearly stated by General Thomas in a lecture on 28 February 1939, delivered at the Staff Instructor's course. He stated:

> "The National Socialist State, soon after taking over the power, has reorganized the German economy in all sections and directed it towards a military viewpoint, which had been requested by the Army for years. Due to the reorganization, agriculture, commerce and professions became those powerful instruments the Fuehrer needs for his extensive plans, and we can say today that Hitler's mobile politics, as well as the powerful efforts of the Army and economy, would not have been possible without the necessary reorganization by the National Socialist Government. We can now say that the economic organization as a whole corresponds with the needs, although slight adjustments will have to be made yet. Those reorganizations made a new system of economics possible which was necessary in view of our internal and foreign political situation as well as our financial problems. The directed economy, as we have it today, concerning agriculture, commerce and industry, is not only the expression of the present State principles, but at the same time also the economy of the country's defense." (*EC–27*)

This program was not undertaken in a vacuum; it was deliberately designed and executed to provide the necessary instrument of the Nazi conspirators' plans for aggressive war. In September 1934 Schacht admitted to the American Ambassador in Berlin that the Hitler Party was absolutely committed to war, and that the people too were ready and willing. (*EC-461*). At the same time Schacht promulgated his new plan for the control of imports and exports in the interest of rearmament. A year later he was appointed Plenipotentiary for War Economy by top secret decree (*2261-PS*)

On 4 September 1936 Goering announced, at a Cabinet meeting attended by von Blomberg, Schacht, and others, that Hitler had issued instructions to the Reich War Minister on the basis that "the show-down with Russia is inevitable," and added that "all measures have to be taken just as if we were actually in the stage of imminent danger of war." (*EC-416*)

In the same month the office of the Four Year Plan was created with the mission of making Germany self-sufficient for war in four years. Goering regarded it as his task, within four years, to put the entire economy in a state of readiness for war. (*EC-408*)

2. COLLABORATION OF THE INDUSTRIALISTS IN REARMAMENT

Although the Nazi government officials provided the leadership in preparing Germany for war, they received also the enthusiastic and invaluable cooperation of the German industrialists.

On the invitation of Goering, approximately 25 of the leading industrialists of Germany, together with Schacht, attended a meeting in Berlin on 20 February 1933. This was shortly before the German election of 5 March 1933. At this meeting Hitler announced the conspirators' aim to seize totalitarian control over Germany, to destroy the parliamentary system, to crush all opposition by force, and to restore the power of the *Wehrmacht*. Among those present at that meeting were Gustav Krupp, head of the munitions firm, Alfried Krupp, A.G.; four leading officials of the I. G. Farben Works, one of the world's largest chemical concerns; Albert Vogler, head of United Steel Works of Germany; and other leading industrialists. This meeting is described in the following affidavit of George von Schnitzler:

> "I, George von Schnitzler, a member of the Vorstand of I. G. Farben, make the following deposition under oath:
>
> "At the end of February 1933, four members of the Vorstand of I. G. Farben, including Dr. Bosch, the head of the Vorstand, and myself were asked by the office of the President of the Reichstag to attend a meeting in his house, the

> purpose of which was not given. I do not remember the two other colleagues of mine who were also invited. I believe the invitation reached me during one of my business trips to Berlin. I went to the meeting which was attended by about 20 persons, who I believe were mostly leading industrialists from the Ruhr.
>
> "Among those present I remember:
>
> "Dr. Schacht, who at that time was not yet head of the *Reichsbank* again and not yet Minister of Economics.
>
> "Krupp von Bohlen, who in the beginning of 1933 presided over the *Reichsverband der Deutschen Industrie,* which later on was changed into the semi-official organization '*Reichsgruppe Industrie.*'
>
> "Dr. Albert Vogler, the leading man of the *Vereinigte Stahlwerke.*
>
> "Von Lowenfeld from an industrial work in Essen.
>
> "Dr. Stein, head of the *Geworkschaft Auguste Victoria,* a mine which belongs to the I. G. Dr. Stein was an active member of the *Deutsche Volkspartei.*
>
> "I remember that Dr. Schacht acted as a kind of host.
>
> "While I had expected the appearance of Goering, Hitler entered the room, shook hands with everybody and took a seat at the top of the table. In a long speech he talked mainly about the danger of communism over which he pretended that he just had won a decisive victory.
>
> "He then talked about the *Bundnis*—alliance—into which his party and the *Deutsch Nationale Volkspartei* had entered. This latter party, in the meantime, had been reorganized by Herr von Papen. At the end he came to the point which seemed to me the purpose of the meeting. Hitler stressed the importance that the two aforementioned parties should gain the majority in the coming Reichstag election. Krupp von Bohlen thanked Hitler for his speech. After Hitler had left the room, Dr. Schacht proposed to the meeting the raising of an election fund of, as far as I remember, RM 3,000,000. The fund should be distributed between the two 'allies' according to their relative strength at the time being. Dr. Stein suggested that the *Deutsche Volkspartei* should be included * * *." (*EC–439*)

In a speech delivered to the industrialists in Berlin on 20 February 1933, Hitler stated:

> "Private enterprise cannot be maintained in the age of democracy; it is conceivable only if the people have a sound idea of authority and personality. * * * I recognized

> even while in the hospital that one had to search for new ideas conducive to reconstruction. I found them in Nationalism, in the value of strength and power of individual personality. * * * If one rejects pacifism, one must put a new idea in its place immediately. Everything must be pushed aside, must be replaced by something better. * * * We must not forget that all the benefits of culture must be introduced more or less with an iron fist, just as once upon a time the farmers were forced to plant potatoes.
>
> * * * * * * *
>
> "With the very same courage with which we go to work to make up for what had been sinned during the last 14 years, we have withstood all attempts to move us off the right way."
>
> "* * * We must first gain complete power if we want to crush the other side completely. While still gaining power, one should not start the struggle against the opponent. Only when one knows that one has reached the pinnacle of power, that there is no further possible development, shall one strike. * * *
>
> "* * * Now we stand before the last election. Regardless of the outcome there will be no retreat, even if the coming election does not bring about a decision. * * *
>
> "The question of restoration of the *Wehrmacht* will not be decided at Geneva but in Germany, when we have gained internal strength through internal peace." (*D–203*)

In reply to these statements Goering, who was present at that same meeting, declared:

> "That the sacrifice asked for surely would be much easier for industry to bear if it realized that the election of March 5th will surely be the last one for the next ten years, probably even for the next hundred years." (*D–203*)

In a memorandum dated 22 February 1933, found in the personal files of Gustav Krupp von Bohlen und Halbach, Krupp briefly described this same meeting, and recalled that he had expressed to Hitler the gratitude of the 25 industrialists present. (*D–204*)

In April 1933, after Hitler had entrenched himself in power, Gustav Krupp, as Chairman of the Reich Association of German Industry, which was the largest association of German industrialists, submitted to Hitler the plan of that association for the reorganization of German industry. In connection therewith Krupp undertook to bring the association into line with the aims of the conspirators, and to make it an effective instrument for the execution of their policies. In a letter of transmittal (*D-157*), Krupp stated that the plan of reorganization which he submitted on behalf of the association of industrialists, was characterized by the desire to coordinate economic measures and political necessity, adopting the Fuehrer conception of the new German state. In the plan of reorganization itself, Krupp stated:

> "The turn of political events is in line with the wishes which I myself and the board of directors have cherished for a long time. In reorganizing the Reich Association of German Industry, I shall be guided by the idea of bringing the new organization into agreement with the political aims of the Reich Government." (*D-157*)

The ideas of Krupp were subsequently adopted.

Under the decree introducing the leadership principle into industry, each group of industry was required to have a leader who was to serve without compensation. The leaders were to be appointed and could be removed at the discretion of the Minister of Economics. The charter of each group was to be created by the leader, who was obligated to lead his group in accordance with the principles of the National Socialist State (*Reichsgesetzblatt*, 1934, Part I, 1194, Sec. 11, 12, 16). The introduction of the leadership principle into the organizations of business centralized authority and guaranteed the efficient execution of orders, which the government issued to business, in the effort to promote a war economy.

The overwhelming support given by the German industrialists to the Nazi war program is described in a speech prepared by Gustav Krupp in January 1944, for delivery at the University of Berlin:

> "War material is life-saving for one's own people, and whoever works and performs in those spheres can be proud of it. Here, enterprise as a whole, finds its highest justification of existence. This justification, I may inject this here, crystallized especially during the time of interregnum between 1919 and 1933, when Germany was lying down disarmed. * * *
>
> * * * * * * *
>
> "It is the one great merit of the entire German war economy that it did not remain idle during those bad years, even though its activity could not be brought to light for obvious reasons. Through years of secret work, scientific and basic groundwork was laid in order to be ready again to work

> for the German armed forces at the appointed hour without loss of time or experience.
>
> * * * * * * *
>
> "Only through the secret activity of German enterprise, together with the experience gained meanwhile through production of peacetime goods, was it possible, after 1933, to fall into step with the new tasks arrived at, restoring Germany's military power. Only through all that could the entirely new and various problems, brought up by the Fuehrer's Four-Year Plan for German enterprise, be mastered. It was necessary to supply the new raw materials, to explore and experiment, to invest capital in order to make German economy independent and strong—in short, to make it warworthy.
>
> * * * * * * *
>
> "I think I may state here that the German enterprises followed the new ways enthusiastically, that they made the great intentions of the Fuehrer their own by fair competition and conscious gratitude, and became his faithful followers. How else could the tasks between 1933 and 1939, and especially those after 1939, have been overcome?" (*D–317*)

3. THE USE OF ECONOMIC MEASURES TO FACILITATE REARMAMENT

It must be emphasized that the secret rearmament program was launched immediately upon the seizure of power by the Nazi conspirators. On 4 April 1933 the Reich Cabinet passed a resolution establishing a Reich Defense Council. The function of this council was secretly to mobilize for war. At the second meeting of the working committee of the Councillors for Reich Defense, the predecessor of the Reich Defense Council, which was held on 22 May 1933, the chairman was Keitel. Keitel stated that the Reich Defense Council would immediately undertake to prepare for war emergency. He stressed the urgency of the task of organizing a war economy, and announced that the council stood ready to brush aside all obstacles. Fully aware of the fact that their action was in flagrant violation of the Treaty of Versailles, Keitel emphasized the extreme importance of absolute secrecy:

> "No document ought to be lost, since otherwise it may fall into the hands of the enemies' intelligence service. Orally transmitted, matters are not provable; they can be denied by us in Geneva." (*EC–177*)

The singleness of purpose with which the Nazi conspirators geared the German economy to the forging of a war machine is further shown by the secret minutes of the second meeting of the working committee of the Reich Defense Council, held on 7 February 1934. At this meeting at which Capt. Schmundt, Col. Guerian, Maj. Gen. von Reichenau, Maj. Warlimont, and Jodl—then a Lt. Col.—were present, Lieutenant-General Beck pointed out that:

> "The actual state of preparation is the purpose of this session." (*EC-404*)

Detailed measures of financing a future war were discussed and it was pointed out that the financial aspects of the war economy would be regulated by the Reich Finance Ministry and the Reichsbank, which was headed by Schacht. (*EC-404*)

Under his secret appointment as Plenipotentiary-General of the War Economy, Schacht had the express function of placing all economic forces of the nation in the services of the Nazi war machine. The secret defense law of 21 May 1935 in effect gave Schacht charge of the entire war economy. In case of war he was to be virtual economic dictator of Germany. His task was to place all economic forces into service for the conduct of war and to secure economically the life of the German people. The Ministers of Economics, Food, Agriculture, Labor, and Forestry, as well as all Reich agencies directly under the Fuehrer, were subordinated to him. He was to be responsible for the financing as well as for the conduct of the war; and he was further authorized to issue ordinances within his sphere of responsibility, even if these deviated from existing laws. (*2261-PS*)

The rearmament of Germany proceeded at a rapid pace. By summer of 1935 the Nazi conspirators were emboldened to make plans for the reoccupation of the Rhineland, and at the tenth meeting of the working committee of the council the question of measures to be taken in connection with the proposed reoccupation of the Rhineland was discussed.

At that meeting, on 26 June 1935, it was said that the Rhineland required special treatment because of the assurances given by Hitler to the French that no military action was being undertaken in the demilitarized zone. Among the matters requiring special treatment was the preparation of economic mobilization, a task specifically entrusted to Schacht as secret Plenipotentiary for the War Economy. In this connection it was stated:

> "* * * Since political entanglements abroad must be avoided at present under all circumstances, only these pre-

> paratory measures that are urgently necessary may be carried out. The existence of such preparations, or the intention of them must be kept in strictest secrecy in the zone itself as well as in the rest of the Reich." (*EC-405*)

Preparations of various types were thereupon discussed.

The rapid success of German rearmament is attributable to the work of Schacht. In the fall of 1934, the Nazi conspirators announced the "New Plan", which aimed at the control of imports and exports in order to obtain the raw materials needed for armaments and the foreign currency required to sustain the armament program. The "New Plan" was the creation of Schacht. Under the plan, Schacht controlled imports by extending the system of supervisory boards for import control, which was previously limited to the main groups of raw materials, to all goods imported into Germany. The requirement of licenses for imports enabled the Nazi conspirators to restrict imports to those commodities which served their war aims.

Subsequently, in February 1935, the *Devisen* Law was passed (*Reichsgesetzblatt* 1935, I, 105). Under it, all transactions involving foreign exchange were subject to the approval of *Devisenstellen* (Foreign Exchange Control Offices). By thus controlling the disposition of foreign exchange, the conspirators were able to manipulate foreign trade so as to serve their ends.

Every aspect of the German economy was geared to war under the guidance of the Nazi conspirators, particularly Schacht. In a study of the economic mobilization for war as of 30 September 1934, it was stated that steps had already been taken to build up stock piles, to construct new facilities for the production of scarce goods, to redeploy industry to secure areas, and to control fiscal and trade policies. The task of stock piling, it was announced, had been hampered by the requirement of secrecy and camouflage. Reserves of automobile fuels and stocks of coal were accumulated, and the production of synthetic oil was accelerated. Civilian supply was purposely organized so that most plants would be working for the German Armed Forces. Studies were made of the possibility of barter trade with supposedly neutral countries in case of war. (*EC-128*)

Financing of the armament program presented a difficult problem for the conspirators. In 1934 and 1935, the German economy could by no possibility have raised funds for the Nazis' extensive rearmament program through taxes and public loans. From the outset, the armament program involved "the engagement of the last reserves." Moreover, apart from the problem of raising the huge sums required to sustain this program, the Nazi conspirators were exceedingly anxious, in the early stages, to conceal the extent of their armament activities.

After considering various techniques of financing the armament program, Schacht proposed the use of "mefo" bills. One of the primary advantages of this method was the fact that through its use figures indicating the extent of rearmament, which would have become public through the use of other methods, could be kept secret. "Mefo" bills were used exclusively for armament financing. Transactions in "mefo" bills worked as follows: "Mefo" bills were drawn by armament contractors and accepted by a limited liability company. The spelling of the word "mefo" is taken from the name of this company, *Metallurgische Forschungsgesellschaft, m.b.h.* (*MEFO*). This company had a nominal capital of one million Reichsmarks and was merely a dummy organization. The bills were received by all German banks for possible rediscounting with the Reichsbank. The bills were guaranteed by the Reich. Their secrecy was assured by the fact that they appeared neither in the published statements of the Reichsbank nor in the budget figures.

The "mefo" bill system continued to be used until 1 April 1938. Up to that date 12 billion Reichsmarks of "mefo" bills for the financing of rearmament had been issued. Since it was no longer deemed necessary to conceal the vast progress of German rearmament, "mefo" financing was discontinued at that time. (*EC-436*)

Further sources of funds upon which Schacht drew to finance the secret armament program were the funds of political opponents of the Nazi regime, and Marks of foreigners on deposit in the Reichsbank. As Schacht boasted in a memorandum to Hitler dated 3 May 1935:

> "Our armaments are also financed partly with the credits of our political opponents." (*1168-PS*)

The outstanding "mefo" bills represented at all times a threat to the stability of the currency because they could be tendered to the Reichsbank for discount, in which case the currency circulation would automatically have to be increased. Thus, there was an ever-present threat of inflation. Schacht nevertheless continued on his course, because he stood with unswerving loyalty to the Fuehrer, because he fully recognized the basic idea of National Socialism, and because he felt that at the end, the disturbances, compared to the great task, could be considered irrelevant.

High-ranking military officers paid tribute to Schacht's contrivances on behalf of the Nazi war machine. An article written for the "Military Weekly Gazette" in January 1937 stated:

> "The German Defense Force commemorates Dr. Schacht today as one of the men who have done imperishable things for it and its development in accordance with directions from the Fuehrer and Reich Chancellor. The defense force owes it to Schacht's skill and great ability that, in defiance of all currency difficulties it, according to plan, has been able to grow up to its present strength from an army of 100,000 men."

After the reoccupation of the Rhineland, the Nazi conspirators redoubled their efforts to prepare Germany for a major war. The Four Year Plan was proclaimed by Hitler in his address at the Nurnberg Party Convention on 9 September 1936. It was given a statutory foundation by the decree concerning the execution of the Four Year Plan dated 18 October 1936 (*Reichsgesetzblatt* 1936, I, 887). By this decree Goering was put in charge of the plan. He was authorized to enact any legal and administrative measures deemed necessary by him for the accomplishment of his task, and to issue orders and instructions to all government agencies, including the highest Reich authorities. The purpose of the plan was to enable Nazi Germany to attain complete self-sufficiency in essential raw materials, notably motor fuel, rubber, textile fiber, and non-ferrous metals, and to intensify preparations for war. The development of synthetic products was greatly accelerated despite their high costs.

Apart from the self-sufficiency program, however, the Nazi conspirators required foreign exchange to finance propaganda and espionage activities abroad. Thus, in a speech on 1 November 1937 before the *Wehrmachtakademie*, General Thomas stated:

> "If you consider that one will need during the war considerable means in order to organize the necessary propaganda, in order to pay for the espionage service, and for similar purposes, then one should be clear that our internal Mark would be of no use therefore, and that Foreign Exchange will be needed." (*EC–14*)

This need for foreign exchange was reduced in part by virtue of the espionage and propaganda services rendered free of charge to the Nazi state by leading German industrial concerns. A memorandum dated at Essen on 12 October 1935, which was found in the files of the Krupp company, contains the subheading: "Concerns:—distribution official propaganda literature abroad with help of our foreign connections." It goes on to say that on the morning of 11 October the district representative of the Ribbentrop Private Foreign Office, *Dienststelle Ribbentrop*, made an appointment by telephone with Mr. Lachman to arrive at an appointed time. The memorandum continues:

> "In answer to my question, with whom I was dealing and which official bureau he represented, he informed me that he was not himself the district representative of Ribbentrop's Private Foreign Office, but that a Mr. Landrat Bollman was such and that he himself had come at Mr. Bollman's order." (*D-206*)

After discussing the confusion in the field of foreign propaganda, the memorandum states that Ribbentrop's Foreign Office is creating a private organization for foreign propaganda, and that for this purpose the support of the Krupp firm and especially an index of addresses are needed. This request received the following response:

> "I informed Mr. Lachman that our firm has put itself years ago at the disposal of official bureaus for purposes of foreign propaganda, and that we had supported all requests addressed to us to the utmost." (*D-206*)

These activities are demonstrated by another document found in the files of the Krupp company. A memorandum prefaced by Herr Sonnenberg, on 14 October 1937, reports a meeting at Essen on 12 October 1937. The government's request for assistance in foreign intelligence activities met this response:

> "On our part we undertook to supply information to the Combined Services Ministry (R.K.M.) as required." (*D-167*)

Meanwhile the conspirators' program of self-sufficiency was proceeding with great speed. The production of steel, for example, as shown in official German publication, rose as follows:

	Tons
1933	74,000
1934	105,000
1935	145,000
1936	186,000
1937	217,000
1938	477,000

The production of gasoline increased at an even greater tempo: from 387,000 tons in 1934 to 1,494,000 tons in 1938 *(Statistical Yearbook of the German Reich, 1939-1942)*.

The Nazi conspirators pressed the completion of the armament program with a sense of urgency betraying their awareness of the imminence of war. At a meeting on 4 September 1936 Goering pointed out that "all measures have to be taken just as if we were actually in the state of imminent danger of war." He pointed out that:

> "* * * if war should break out tomorrow we would be forced to take measures from which we might possibly still shy away at the present moment. They are therefore to be taken." (*EC–416*)

The extreme urgency was manifested by Goering's remark that

> "* * * existent reserves will have to be touched for the purpose of carrying us over this difficulty until the goal ordered by the Fuehrer has been reached; in case of war they are not a reliable backing in any case." (*EC–416*)

Schacht was advised by a top secret letter dated 31 August 1936 that Hitler ordered all formations of the air force to be ready by 1 April 1937. (*1301–PS*)

After their successes in Austria and the Sudetenland, the Nazi conspirators redoubled their efforts to equip themselves for the war of aggression which they planned to launch. In a conference on 14 October 1938, shortly before the Nazis made their first demands on Poland, Goering stated:

> "* * * Everybody knows from the press what the world situation looks like, and therefore the Fuehrer has issued an order to him to carry out a gigantic program compared to which previous achievements are insignificant. There are difficulties in the way which he will overcome with the utmost energy and ruthlessness." (*1301–PS*)

The supply of foreign currency had sunken because of preparations for the invasion of Czechoslovakia. Replenishment was considered necessary. At the same conference, on 14 October 1938, Goering declared:

> "These gains made through the export are to be used for an increased armament. The armament should not be curtailed by export activities." (*1301–PS*)

Goering had received the order from the Fuehrer to increase armaments to an abnormal extent, the air force having first priority, and interpreted it as follows:

> "Within the shortest time, the air force should be increased five fold; also the navy should create war weapons more rapidly, and the army should produce large amounts of war weapons at a faster rate, particularly heavy artillery and heavy tanks. Along with this a larger production of armaments must go, especially fuel, rubber, powders and explosives must be moved to the foreground. This should be coupled with an accelerated expansion of highways, canals, and particularly of the railroads." (*1301–PS*)

In the course of these preparations for war, a clash of wills ensued between Goering and Schacht, as a result of which Schacht resigned his position as head of the Ministry of Economics and Plenipotentiary for the War Economy in November 1937. He was removed from the presidency of the Reichsbank in January 1939. Regardless of the details of this controversy, Schacht's departure in no way implied any disagreement with the major war aims of the Nazis. Schacht took particular pride in his vast attainments in the financial and economic fields in aid of the Nazi war machine. In a letter to General Thomas Schacht wrote:

> "I think back with much satisfaction to the work in the Ministry of Economics which afforded me the opportunity to assist in the rearmament of the German people in the most critical period, not only in the financial but also in the economic sphere. I have always considered a rearmament of the German people as condition *sine qua non* of the establishment of a new German nation." (*EC–257*)

In a letter written to General Von Blomberg, on 8 July 1937, Schacht wrote:

> "The direction of the war economy by the plenipotentiary would in that event never take place entirely independent from the rest of the war mechanism but would be aimed at accomplishment of the political war purpose with the assistance of all economic forces. I am entirely willing, therefore, to participate in this way in the preparation of the forthcoming order giving effect to the Defense Act." (*EC–252*)

In the spring of 1937, Schacht participated with representatives of the three branches of the armed forces in "war games in war economy" at Godesberg. A report of these exercises, entitled "War economy tasks in Godesberg undertaken by General Staff between the 25th of May and the 2nd of June," records the speech welcoming Dr. Schacht:

> "Before I start with the discussion of the war game in war economy, I have to express how grateful we all are that you, President Dr. Schacht, have gone to the trouble personally to participate in our final discussion today despite all your other activities. This proves to us your deep interest in war economy tasks shown at all times and your presence is renewed proof that you are willing to facilitate for us soldiers the difficult war-economic preparations and to strengthen the harmonious cooperation with your offices."

* * * * * * *

> "I want to point out, however, that all matters and all

> information received has to be kept in strictest secrecy * * *." (*EC–174*)

The annexation of Austria was apparently a goal which Schacht had long sought, for in a speech to the employees of the former Austrian National Bank he declared:

> "* * * Austria has certainly a great mission, namely, to be the bearer of German culture, to insure respect and regard for the German name, especially in the direction of the southeast. Such a mission can only be performed within the Great German Reich and based on the power of a nation of 75 millions, which, regardless of the wish of the opponents, forms the heart and the soul of Europe."

* * * * * * *

> "We have read a lot in the foreign press during the last few days that this aim, the union of both countries, is to a certain degree justified, but that the methods of effecting this union was terrible. This method which certainly did not suit one or the other power was nothing but the consequence of countless perfidies and brutal acts and violence which foreign countries have practiced against us * * *."

* * * * * * *

> "* * * I am known for sometimes expressing thoughts which give offense and there I would not like to depart from this consideration. I know that there are even in this country a few people—I believe they are not too numerous—who find fault with the events of the last few days, but nobody, I believe, doubts the goal, and it should be said to all grumblers that you can't satisfy everybody. One person says he would have done it maybe one way, but the remarkable thing is that they did not do it, and that it was only done by our Adolf Hitler; and if there is still something left to be improved, then those grumblers should try to bring about these improvements from the German Reich, and within the German community, but not to disturb us from without." (*EC–297–A*)

A memorandum of 7 January 1939, written by Schacht and other directors of the Reichsbank to Hitler, urged a balancing of the budget in view of the threatening danger of inflation. The memorandum continued:

> "* * * From the beginning the Reichsbank has been aware of the fact that a successful foreign policy can be attained only by the reconstruction of the German armed forces. It [the Reichsbank] therefore assumed to a very great extent the responsibility to finance the rearmament

> in spite of the inherent dangers to the currency. The justification thereof was the necessity, which pushed all other considerations into the background, to carry through the armament at once, out of nothing, and furthermore under camouflage, which made a respect-commanding foreign policy possible." (*EC–369*)

The Reichsbank directors, as experts on money, believed that a point had been reached where greater production of armaments was no longer possible. That was merely a judgment on the situation and not a moral stand, for there was no opposition to Hitler's policy of aggression. Doubts were merely entertained as to whether that policy could be financed. Hitler's letter to Schacht on the occasion of Schacht's departure from the Reichsbank paid high tribute to Schacht's great efforts in furthering the program of the Nazi conspirators. The armed forces by now had enabled Hitler to take Austria and the Sudetenland. Hitler, in his letter to Schacht declared:

> "Your name, above all, will always be connected with the first epoch of national rearmament." (*EC–397*)

Even though dismissed from the presidency of the Reichsbank, Schacht was retained as a minister without portfolio and special confidential adviser to Hitler. Funk stepped into Schacht's position as president of the Reichsbank (*Voelkisher Beobachter* of 21 January 1939). Funk was uninhibited by fears of inflation, and like Goering, under whom he had served in the Four Year Plan, he recognized no obstacles to the plan to attack Poland. In a letter written on 25 August 1939, only a few days before the attack on Poland, Funk reported to Hitler that the Reichsbank was prepared to withstand any disturbances of the international currency and credit system occasioned by a large-scale war. He said that he had secretly transferred all available funds of the Reichsbank abroad into gold, and that Germany stood ready to meet the financial and economic tasks which lay ahead. (*699–PS*)

It seems clear that the Nazi conspirators directed the whole of the German economy toward preparation for aggressive war. To paraphrase the words of Goering, the conspirators gave the German people "guns instead of butter." They also gave history its most striking example of a nation gearing itself in time of peace to the single purpose of aggressive war. Their economic preparations, formulated and applied with the energy of Goering, the financial wizardry of Schacht, and the willing complicity of Funk, among others, were the indispensable prerequisites for their subsequent campaign of aggression.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO ECONOMIC ASPECTS OF THE CONSPIRACY

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (a)	I	5
	International Military Tribunal, Indictment Number 1, Section IV (E)	I	21
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*699-PS	Letter from Funk to Hitler, 25 August 1939, reporting on economic affairs. (GB 49)	III	509
*1168-PS	Unsigned Schacht memorandum to Hitler, 3 May 1935, concerning the financing of the armament program. (USA 37)	III	827
*1301-PS	File relating to financing of armament including minutes of conference with Goering at the Air Ministry, 14 October 1938, concerning acceleration of rearma-		

Document	Description	Vol.	Page
	ment. (USA 123)	III	868
*2261–PS	Directive from Blomberg to Supreme Commanders of Army, Navy and Air Forces, 24 June 1935; accompanied by copy of Reich Defense Law of 21 May 1935 and copy of Decision of Reich Cabinet of 12 May 1935 on the Council for defense of the Reich. (USA 24)	IV	934
*2353–PS	Extracts from General Thomas' Basic Facts for History of German War and Armanent Economy. (USA 35)	IV	1071
*3787–PS	Report of the Second Meeting of the Reich Defense Council, 25 June 1939. (USA 782)	VI	718
*3901–PS	Letter written November 1932 by Schacht, Krupp and others to the Reich President. (USA 851)	VI	796
*D–157	Letter from Krupp to Hitler, 25 April 1933, with enclosure. (USA 765)	VI	1063
*D–167	Memoranda by Sonnenberg and Dr. Conn concerning exchange of intelligence involving Krupp works. (USA 766)	VI	1069
*D–203	Speech of Hitler to leading members of industry before the election of March 1933. (USA 767)	VI	1080
*D–204	Statement of Krupp concerning political organization of state and economy, 22 February 1933 (USA 768)	VI	1085
*D–206	Memorandum, 12 October 1939, on distribution of propaganda abroad through foreign connections of Krupp firm. (USA 769)	VI	1085

Document	Description	Vol.	Page
*D–317	Krupp speech, "Thoughts about the Industrial Enterpriser", January 1944. (USA 770)...........	VII	21
*EC–14	Speech before the Wehrmacht War College, 1 November 1937, by Major-General Thomas. (USA 758).........................	VII	246
*EC–27	Address of Major-General Thomas before the Staff Instructors' Course, on 28 February 1939 in Saarow-Pieskow. (USA 759)......	VII	250
*EC–28	Lecture of Major-General Thomas delivered, 24 May 1939, at the Foreign Office. (USA 760)........	VII	250
*EC–128	Report on state of preparations for war economic mobilization as of 30 September 1934. (USA 623).	VII	306
*EC–174	Summary "war economy" trip to Godesberg undertaken by General Staff between 25 May and 2 June 1937. (USA 761)...............	VII	326
*EC–177	Minutes of second session of Working Committee of the Reich Defense held on 26 April 1933. (USA 390).....................	VII	328
*EC–252	Letter from Schacht to Blomberg, 8 July 1937. (USA 762)..........	VII	346
*EC–257	Personal letter from Schacht to Thomas, 29 December 1937. (USA 763).........................	VII	347
*EC–286	Correspondence between Schacht and Goering, March-April 1937, concerning price control. (USA 833).........................	VII	380
*EC–293	Letter from Schacht to Reich and Prussian Economics Minister, 24 December 1935, concerning army demands for raw material. (USA 834).........................	VII	391

Document	Description	Vol.	Page
*EC-297-A	Address in Vienna of the Reichsbank President, Dr. Schacht, 21 March 1938. (USA 632)	VII	394
*EC-369	Correspondence between Schacht and Hitler, January 1939. (USA 631)	VII	426
*EC-383	Letter 16 January 1937 with enclosure — article about Schacht appearing in the Military weekly Gazette. (USA 640)	VII	436
*EC-397	Letter from Hitler to Schacht, 19 January 1939. (USA 650)	VII	438
*EC-404	Minutes of conference of Sixth Session of Working Committee of Reichs Defense Council, held on 23 and 24 January 1934. (USA 764)	VII	443
*EC-405	Minutes of Tenth Meeting of Working Committee of Reichs Defense Council, 26 June 1935. (GB 160)	VII	450
*EC-408	Memorandum report about the Four Year Plan and preparation of the war economy, 30 December 1936. (USA 579)	VII	465
*EC-416	Minutes of Cabinet Meeting, 4 September 1936. (USA 635)	VII	471
*EC-436	Affidavit of Puhl, 2 November 1945. (USA 620)	VII	494
*EC-439	Affidavit of Schnitzler, 10 November 1945. (USA 618)	VII	501
*EC-461	Extracts from Ambassador Dodd's Diary, 1933-38. (USA 58)	VII	515
Affidavit J	Affidavit of Erhard Milch, 23 January 1946	VIII	653
Chart No. 9	The Organization of German Business	VIII	778

Chapter IX

LAUNCHING OF WARS OF AGGRESSION

1. THE PLOTTING OF AGGRESSIVE WAR

The aggressive war phase of the case against the Nazi conspirators is, in the view of the American prosecution, the heart of the case. Everything else in this case, however dramatic, however sordid, however shocking and revolting to the common instinct of civilized peoples, is incidental or subordinate to, the fact of aggressive war.

All the dramatic story of what went on in Germany in the early phases of the conspiracy—the ideologies used, the techniques of terror used, the suppressions of human freedom employed in the seizure of power, and even the concentration camps and the crimes against humanity, the persecutions, tortures and murders committed—all these things would have had little international juridical significance except for the fact that they were the preparation for the commission of aggressions against peaceful neighboring peoples. Even the aspects of the case involving "war crimes" in the strict sense are merely the inevitable, proximate result of the wars of aggression launched and waged by these conspirators, and of the kind of warfare they waged. It was total war, the natural result of the totalitarian party-dominated state that waged it; it was atrocious war, the natural result of the doctrines, designs and purposes of the Nazi conspirators.

The substantive rule of law which is controlling on this part of the case is stated in Article 6 of the Charter of the International Military Tribunal, which, so far as is pertinent here, reads as follows:

> "*Article 6.* The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, either as individuals or as members of organizations, committed any of the following crimes.
>
> "The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:
>
> "(a) *Crimes against peace:* namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing * * *"

> "Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan."

Five important principles are contained in these portions of the Charter:

(1) The Charter imposes "individual responsibility" for acts constituting "crimes against peace";

(2) The term "Crimes against peace" embraces planning, preparation, initiation, or waging of illegal war;

(3) The term "Crimes against peace" also embraces participation in a common plan or conspiracy to commit illegal war;

(4) An illegal war consists of either a war of aggression, or a war in violation of international treaties, agreements, or assurances; (these two kinds of illegal war might not necessarily be the same; it will be sufficient for the prosecution to show either that the war was aggressive irrespective of breach of international treaties, agreements or assurances, or that the war was in violation of international treaties, agreements or assurances irrespective of whether or not it was a war of aggression; but the American prosecution will undertake to establish that the wars planned, prepared, initiated, and waged by the Nazi conspirators were illegal for both reasons);

(5) Individual criminal responsibility of a defendant is imposed by the Charter not merely by reasons of direct, immediate participation in the crime. It is sufficient to show that a defendant was a leader, an organizer, instigator, or accomplice who participated either in the formulation or in the execution of a common plan or conspiracy to commit crimes against peace. In this connection, the Charter declares that the responsibility of conspirators extends not only to their own acts but also to all acts performed by any persons in execution of the conspiracy.

It is familiar law in the United States that if two or more persons set out to rob a bank in accordance with a criminal scheme to that end, and in the course of carrying out their scheme one of the conspirators commits the crime of murder, all the participants in the planning and execution of the bank robbery are guilty of murder, whether or not they had any other personal participation in the killing. This is a simple rule of law declared in the Charter. All the parties to a common plan or conspiracy are the agents of each other and each is responsible as principal for the acts of all the others as his agents.

The documentary evidence assembled on this aggressive war aspect of the case will show the following: (1) the conspiratorial nature of the planning and preparation which underlay the Nazi aggressions already known to history; (2) the deliberate premeditation which preceded those acts of aggression; (3) the evil motives which led to the attacks; (4) the individual participation of named persons in the Nazi conspiracy for aggression; (5) the deliberate falsification of the pretexts claimed by the Nazi aggressors as they arose for their criminal activities.

The critical period between the Nazi seizure of power and the initiation of the first war of aggression was very short. This critical period of illegal preparation and scheming, which ultimately set the whole world aflame, covered 6 years, from 1933 to 1939. Crowded into these 6 short years is the making of tragedy for mankind.

A full understanding of these 6 years, and the 6 years of war that followed, requires that this period be divided into phases that reflect the development and execution of the Nazi master plan. These phases may be said to be six. The first was primarily preparatory, although it did involve overt acts. That phase covers roughly the period from 1933 to 1936. In that period the Nazi conspirators, having acquired government control of Germany by the middle of 1933, turned their attention toward utilization of that control for foreign aggression. Their plan at this stage was to acquire military strength and political bargaining power to be used against other nations. In this they succeeded.

The second phase of their aggression was shorter. As the conspiracy gained strength it gained speed. During each phase the conspirators succeeded in accomplishing more and more in less and less time until toward the end of the period, the rate of acceleration of their conspiratorial movement was enormous. The second phase of their utilization of control for foreign aggression involved the actual seizure and absorption of Austria and Czechoslovakia, in that order. By March 1939 they had succeeded in this phase.

The third phase may be measured in months rather than years, from March to September 1939. The previous aggression being successful and having been consummated without the necessity of resorting to actual war, the conspirators had obtained much desired resources and bases and were ready to undertake further aggressions by means of war, if necessary. By September 1939 war was upon the world.

The fourth phase of the aggression consisted of expanding the war into a general European war of aggression. By April 1941 the war which had theretofore involved Poland, the United Kingdom, and France, had been expanded by invasions into Scandinavia and into the Low Countries and into the Balkans.

In the next phase the Nazi conspirators carried the war eastward by invasion of the territory of the Union of Soviet Socialist Republics. The sixth phase consisted of collaboration with and instigation of their Pacific ally, Japan, and precipitated the attack on the United States at Pearl Harbor.

The essential elements of the crime of aggressive war can be made out by a mere handful of captured German documents. These documents will leave no reasonable doubt concerning the aggressive character of the Nazi war or concerning the conspiratorial premeditation of that war. After the corpus of the crime has been demonstrated in this way, the documentary evidence will be discussed in subsequent sections, in a more or less chronological and detailed presentation of the relevant activities of the conspirators from 1933 to 1941.

Each of the ten documents which will be discussed in this section has been selected to establish the basic facts concerning a particular phase of the development of the Nazi conspiracy for aggression. Each document has met three standards of selection: each is conspiratorial in nature; each is believed to have been hitherto unknown to history; and each is self-contained and tells its own story.

A. *1933 to 1936.*

The period of 1933 to 1936 was characterized by an orderly, planned sequence of preparation for war. The essential objective of this period was the formulation and execution of the plan to re-arm and re-occupy and fortify the Rhineland, in violation of the treaty of Versailles and other treaties, in order to acquire military strength and political bargaining powers to be used against other nations.

A secret speech of Hitler's delivered to all supreme commanders on 23 November 1939, at 1200 hours, is sufficient to characterize this phase of the Nazi conspiracy (*789-PS*). The report of the speech was found in the OKW files captured at Flensberg. Hitler spoke as follows:

> "November 23, 1939, 1200 hours. Conference with the Fuehrer, to which all Supreme Commanders are ordered. The Fuehrer gives the following speech:
>
> "The purpose of this conference is to give you an idea of the world of my thoughts, which takes charge of me, in the face of future events, and to tell you my decisions. The building up of our armed forces was only possible in con-

nection with the ideological [*weltanschaulich*] education of the German people by the Party.

"When I started my political task in 1919, my strong belief in final success was based on a thorough observation of the events of the day and the study of the reasons for their occurrence. Therefore, I never lost my belief in the midst of setbacks which were not spared me during my period of struggle. Providence has had the last word and brought me success. On top of that, I had a clear recognition of the probable course of historical events, and the firm will to make brutal decisions. The first decision was in 1919 when I after long internal conflict became a politician and took up the struggle against my enemies. That was the hardest of all decisions. I had, however, the firm belief that I would arrive at my goal. First of all, I desired a new system of selection. I wanted to educate a minority which would take over the leadership. After 15 years I arrived at my goal, after strenuous struggles and many setbacks. When I came to power in 1933, a period of the most difficult struggle lay behind me. Everything existing before that had collapsed. I had to reorganize everything beginning with the mass of the people and extending it to the armed forces. First reorganization of the interior, abolishment of appearances of decay and defeatist ideas, education to heroism. While reorganizing the interior, I undertook the second task: to release Germany from its international ties. Two particular characteristics are to be pointed out: secession from the League of Nations and denunciation of the disarmament conference. It was a hard decision. The number of prophets who predicted that it would lead to the occupation of the Rhineland was large, the number of believers was very small. I was supported by the nation, which stood firmly behind me, when I carried out my intentions. After that the order for rearmament. Here again there were numerous prophets who predicted misfortunes, and only a few believers. In 1935 the introduction of compulsory armed service. After that militarization of the Rhineland, again a process believed to be impossible at that time. The number of people who put trust in me was very small. Then beginning of the fortification of the whole country especially in the west.

"One year later, Austria came. This step also was considered doubtful. It brought about a considerable reinforcement of the Reich. The next step was Bohemia, Moravia and Poland. This step also was not possible to accomplish in one

> campaign. First of all, the western fortification had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten—German territory. That was only partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate, and with that basis for the action against Poland was laid, but I wasn't quite clear at that time whether I should start first against the east and then in the west, or vice-versa". (*789-PS*)

There are some curious antitheses of thought in that speech, as in most of Adolf Hitler's speeches. In one sentence he combines guidance by providence with the making of "brutal decisions." He constantly speaks of how very few people were with him, and yet the mass of the German people were with him. But he does give a brief summary of this early period: the organization of the mass of the people, the extension of organization to the armed forces, and the various "brutal decisions" that were made.

A top secret letter dated 24 June 1935, from General von Blomberg to the Supreme Commanders of the Army, Navy, and Air Forces demonstrates the preparations for war in which the Nazi conspirators were engaged during this period. Attached to that letter is a copy of a Secret Reich Defense law of 21 May 1935, and a copy of a decision of the Reichcabinet of 21 May 1935 on the Council for the Defense of the Reich (*2261-PS*). These documents were captured in the OKW files at Fechenheim. Von Blomberg's letter reads as follows:

> "In the appendix I transmit one copy each of the law for the defense of the Reich of the 21 May 1935, and of a decision of the Reich Cabinet of 21 May 1935 concerning the Reich's Defense Council. The publication of the Reich's defense law is temporarily suspended by order of the Fuehrer and Reich Chancellor.
>
> "The Fuehrer and the Reichschancellor has nominated the President of the directorate of the Reichsbank, Dr. Schacht to be 'Plenipotentiary-General for War economy'.
>
> "I request that the copies of the Reich's defense law needed within the units of the armed forces be ordered before 1 July 1935 at armed forces office (L) where it is to be established with the request that the law should only be distributed down to Corps Headquarters outside of the Reichministry of war.
>
> "I point out the necessity of strictest secrecy once more." (*2261-PS*)

Underneath von Blomberg's signature is an indorsement, "Berlin, 3 September 1935; No. 1820/35 L Top Secret II a. To Defense-Economic Group G-3, copy transmitted (signed) Jodl." (*2261–PS*)

Attached to this letter is the statute referred to as the Reich's Defense Law of 21 May 1935, enacted by the Reichscabinet. The law covers in detail preparations for a state of defense, mobilization, and appointment of the Plenipotentiary-General for War Economy (Schacht) with plenipotentiary authority for the economic preparation of the war. Part III provides for penalties. The law is signed, "The Fuehrer and Reichschancellor, Adolf Hitler; the Reichsminister of War, von Blomberg; the Reichsminister of the Interior, Frick." At the bottom of it there is this note:

> "Note on the law for the defense of the Reich of 21 May 1935.
>
> "The publication of the law for the defense of the Reich of 21 May 1935 will be suspended. The law became effective 21 May 1935.
>
> "The Fuehrer and Reichschancellor, Adolf Hitler." (*2261–PS*)

Thus, although the publication itself stated the law was made public, and although the law became effective immediately, publication was suspended by Adolf Hitler.

There was also further attached to von Blomberg's letter a copy of the decision of the Reichscabinet of 21 May 1935 on the Council for the Defense of the Realm. This decree deals largely with organization for economic preparation for the war. This law of May 1935 was the cornerstone of war preparations of the Nazi conspirators, and makes clear the relationship of Schacht to this preparation. (*2261–PS*)

B. *Formulation and Execution of Plans to Invade Austria and Czechoslovakia.*

The next phase of aggression was the formulation and execution of plans to attack Austria and Czechoslovakia, in that order.

One of the most striking and revealing of all the captured documents which have come to hand is one which has come to be known as the Hossbach notes of a conference in the Reichs Chancellery on 5 November 1937 from 1615 to 2030 hours (*386–PS*). In the course of that meeting Hitler outlined to those present the possibilities and necessities of expanding their foreign policy, and requested, "That his statements be looked upon in the case of his death as his last will and testament." The recorder of the minutes of this meeting, Colonel Hossbach, was the Fuehrer's adjutant. Present at this conspiratorial meeting, among others, were Erich

Raeder, Constantin von Neurath, and Hermann Wilhelm Goering. The minutes of this meeting reveal a crystalization towards the end of 1937 in the policy of the Nazi regime (*386–PS*). Austria and Czechoslovakia were to be acquired by force. They would provide "*lebensraum*" (living space) and improve Germany's military position for further operations. While it is true that actual events unfolded themselves in a somewhat different manner than that outlined at this meeting, in essence the purposes stated at the meeting were carried out. These notes, which destroy any possible doubt concerning the Nazi's premeditation of their crimes against peace, read as follows:

> "Berlin, 10 November 1937. Notes on the conference in the Reichskanzlei on 5 November 1937 from 1615 to 2030 hours.
>
> "Present: The Fuehrer and Reich Chancellor;
> "The Reichsminister for War, Generalfeldmarschall v. Blomberg;
> "The C-in-C Army, Generaloberst Freiherr v. Fritsch;
> "The C-in-C Navy, Generaladmiral Dr. h.c. Raeder;
> "The C-in-C Luftwaffe, Generaloberst Goering;
> "The Reichsminister for Foreign Affairs, Freiherr v. Neurath;
> "Oberst Hossbach [the adjutant who took the minutes].
>
> "The Fuehrer stated initially that the subject matter of today's conference was of such high importance, that its detailed discussion would certainly in other states take place before the Cabinet in full session. However, he, the Fuehrer, had decided not to discuss this matter in the larger circle of the Reich Cabinet, because of its importance. His subsequent statements were the result of detailed deliberations and of the experiences of his four and a half years in government; he desired to explain to those present his fundamental ideas on the possibilities and necessities of expanding our foreign policy and in the interests of a far-sighted policy he requested that his statements be looked upon in the case of his death as his last will and testament.
>
> "The Fuehrer then stated: The aim of German policy is the security and the preservation of the nation and its propagation. This is consequently a problem of space. The German nation comprises eighty-five million people, which, because of the number of individuals and the compactness of habitation, form a homogeneous European racial body, the like of which can not be found in any other country. On the other hand it justifies the demand for larger living space more than

for any other nation. If there have been no political consequences to meet the demands of this racial body for living space then that is the result of historical development spread over several centuries and should this political condition continue to exist, it will represent the greatest danger to the preservation of the German nation at its present high level. An arrest of the deterioration of the German element in Austria and in Czechoslovakia is just as little possible as the preservation of the present state in Germany itself.

"Instead of growth, sterility will be introduced, and as a consequence, tensions of a social nature will appear after a number of years, because political and philosophical ideas are of a permanent nature only as long as they are able to produce the basis for the realization of the actual claim of existence of a nation. The German future is therefore dependent exclusively on the solution of the need for living space. Such a solution can be sought naturally only for a limited period, about one to three generations.

"Before touching upon the question of solving the need for living space, it must be decided whether a solution of the German position with a good future can be attained, either by way of an autarchy or by way of an increased share in universal commerce and industry.

"Autarchy: Execution will be possible only with strict National-Socialist State policy, which is the basis; assuming this can be achieved the results are as follows:

"A. In the sphere of raw materials, only limited, but not total autarchy can be attained:

"1. Wherever coal can be used for the extraction of raw materials autarchy is feasible.

"2. In the case of ores the position is much more difficult. Requirements in iron and light metals can be covered by ourselves. Copper and tin, however, can not.

"3. Cellular materials can be covered by ourselves as long as sufficient wood supplies exist. A permanent solution is not possible.

"4. Edible fats—possible.

"B. In the case of foods, the question of an autarchy must be answered with a definite NO.

"The general increase of living standards, compared with thirty to forty years ago, brought about a simultaneous increase of the demand and an increase of personal consumption even among the producers, the farmers, themselves. The proceeds from the production increase in agriculture have been used for covering the increased demand, therefore they represent no absolute increase in production. A further increase in production by making greater demands on the soil is not possible because it already shows signs of deterioration due to the use of artificial fertilizers, and it is therefore certain that, even with the greatest possible increase in production, participation in the world market could not be avoided.

"The considerable expenditure of foreign currency to secure food by import, even in periods when harvests are good, increases catastrophically when the harvest is really poor. The possibility of this catastrophe increases correspondingly to the increase in population, and the annual 560,000 excess in births would bring about an increased consumption in bread, because the child is a greater bread eater than the adult.

"Permanently to counter the difficulties of food supplies by lowering the standard of living and by rationing is impossible in a continent which had developed an approximately equivalent standard of living. As the solving of the unemployment problem has brought into effect the complete power of consumption, some small corrections in our agricultural home production will be possible, but not a wholesale alteration of the standard of food consumption. Consequently autarchy becomes impossible, specifically in the sphere of food supplies as well as generally.

"Participation in world economy. There are limits to this which we are unable to transgress. The market fluctuations would be an obstacle to a secure foundation of the German position; international commercial agreements do not offer any guarantee for practical execution. It must be considered on principle that since the World War (1914–18), as industrialization has taken place in countries which formerly exported food. We live in a period of economic empires, in which the tendency to colonies again approaches the condition which originally motivated colonization; in Japan and Italy economic motives are the basis of their will to expand, and economic need will also drive Germany to it. Countries outside the great economic empires have special difficulties in expanding economically.

"The upward tendency, which has been caused in world economy, due to armament competition, can never form a permanent basis for an economic settlement, and this latter is also hampered by the economic disruption caused by Bol-

> shevism. There is a pronounced military weakness in those states who base their existence on export. As our exports and imports are carried out over those sea lanes which are dominated by Britain, it is more a question of security of transport than one of foreign currency, and this explains the great weakness in our food situation in wartime. The only way out, and one which may appear imaginary, is the securing of greater living space, an endeavor which at all times has been the cause of the formation of states and of movements of nations. It is explicable that this tendency finds no interest in Geneva and in satisfied states. Should the security of our food situation be our foremost thought, then the space required for this can only be sought in Europe, but we will not copy liberal capitalist policies which rely on exploiting colonies. It is not a case of conquering people, but of conquering agriculturally useful space. It would also be more to the purpose to seek raw material-producing territory in Europe directly adjoining the Reich and not overseas, and this solution would have to be brought into effect for one or two generations. What would be required at a later date over and above this must be left to subsequent generations. The development of great world-wide national bodies is naturally a slow process and the German people, with its strong racial root [Volksstamm] has for this purpose the most favorable foundations in the heart of the European Continent. The history of all times—Roman Empire, British Empire—has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable; neither formerly nor today has space been found without an owner; the attacker always comes up against the proprietor." (*386–PS*)

After this somewhat jumbled discussion of geopolitical economic theory and of the need for expansion and *"Lebensraum"*, Adolf Hitler, in these Hossbach notes, posed a question and proceeded to answer it:

> "The question for Germany is where the greatest possible conquest could be made at lowest cost.
>
> "German politics must reckon with its two hateful enemies, England and France, to whom a strong German colossus in the center of Europe would be intolerable. Both these states would oppose a further reinforcement of Germany, both in Europe and overseas, and in this opposition they would have the support of all parties. Both countries would view the

building of German military strong points overseas as a threat to their overseas communications, as a security measure for German commerce, and retrospectively a strengthening of the German position in Europe.

"England is not in a position to cede any of her colonial possessions to us owing to the resistance which she experiences in the Dominions. After the loss of prestige which England has suffered owing to the transfer of Abyssinia to Italian ownership, a return of East Africa can no longer be expected. Any resistance on England's part would at best consist in the readiness to satisfy our colonial claims by taking away colonies which at the present moment are not in British hands, for example, Angola. French favors would probably be of the same nature.

"A serious discussion regarding the return of colonies to us could be considered only at a time when England is in a state of emergency and the German Reich is strong and well armed. The Fuehrer does not share the opinion that the Empire is unshakeable.

"Resistance against the Empire is to be found less in conquered territories than amongst its competitors. The British Empire and the Roman Empire cannot be compared with one another in regard to durability; after the Punic Wars the latter did not have a serious political enemy. Only the dissolving effects which originated in Christendom, and the signs of age which creep into all states, made it possible for the Ancient Germans to subjugate Ancient Rome.

"Alongside the British Empire today a number of States exist which are stronger than it. The British Mother Country is able to defend its colonial possession only allied with other states and not by its own power. How could England alone, for example, defend Canada against attack by America, or its Far Eastern interests against an attack by Japan?

"The singling out of the British Crown as the bearer of Empire unity is in itself an admission that the universal empire cannot be maintained permanently by power politics. The following are significant pointers in this respect:

"(a) Ireland's struggle for independence.

"(b) Constitutional disputes in India where England, by her half measures, left the door open for Indians at a later date to utilize the non-fulfillment of constitutional promises as a weapon against Britain.

"(c) The weakening of the British position in the Far East by Japan.

"(d) The opposition in the Mediterranean to Italy which —by virtue of its history, driven by necessity and led by a genius—expands its power position and must consequently infringe British interests to an increasing extent. The outcome of the Abyssinian War is a loss of prestige for Britain which Italy is endeavoring to increase by stirring up discontent in the Mohammedan World.

"It must be established in conclusion that the Empire cannot be held permanently by power politics by 45 million Britons, in spite of all the solidity of her ideals. The proportion of the populations in the Empire, compared with that of the Motherland, is nine to one, and it should act as a warning to us that if we expand in space, we must not allow the level of our population to become too low.

"France's position is more favorable than that of England. The French Empire is better placed geographically, the population of its colonial possessions represents a potential military increase. But France is faced with difficulties of internal politics. At the present time only 10 per cent approximately of the nations have parliamentary governments, whereas 90 per cent of them have totalitarian governments. Nevertheless, we have to take the following into our political consideration as power factors:

"Britain, France, Russia and the adjoining smaller states.

"The German question can be solved only by way of force, and this is never without risk. The battles of Frederick the Great for Silesia, and Bismarck's wars against Austria and France had been a tremendous risk and the speed of Prussian action in 1870 had prevented Austria from participating in the war. If we place the decision to apply force with risk at the head of the following expositions, then we are left to reply to the questions 'when' and 'how'. In this regard we have to decide upon three different cases.

"Case 1. Period 1943-45: After this we can only expect a change for the worse. The rearming of the Army, the Navy and the Air Force, as well as the formation of the Officers' Corps, are practically concluded.

"Our material equipment and armaments are modern; with further delay the danger of their becoming out-of-date will increase. In particular the secrecy of 'special weapons' cannot always be safeguarded. Enlistment of reserves would be limited to the current recruiting age groups and an addition from older untrained groups would be no longer available.

"In comparison with the rearmament, which will have been carried out at the time by other nations, we shall decrease in relative power. Should we not act until 1943-45, then, dependent on the absence of reserves, any year could bring about the food crisis, for the countering of which we do not possess the necessary foreign currency. This must be considered as a 'point of weakness in the regime.' Over and above that, the world will anticipate our action and will increase counter-measures yearly. Whilst other nations isolate themselves we should be forced on the offensive.

"What the actual position would be in the years 1943–45 no one knows today. It is certain, however, that we can wait no longer.

"On the one side the large armed forces, with the necessity for securing their upkeep, the aging of the Nazi movement and of its leaders, and on the other side the prospect of a lowering of the standard of living and a drop in the birth rate, leaves us no other choice but to act. If the Fuehrer is still living, then it will be his irrevocable decision to solve the German space problem no later than 1943–45. The necessity for action before 1943–45 will come under consideration in cases 2 and 3.

"Case 2. Should the social tensions in France lead to an internal political crisis of such dimensions that it absorbs the French Army and thus renders it incapable for employment in war against Germany, then the time for action against Czechoslovakia has come.

"Case 3. It would be equally possible to act against Czechoslovakia if France should be so tied up by a war against another State that it cannot 'proceed' against Germany.

"For the improvement of our military political position it must be our first aim, in every case of entanglement by war, to conquer Czechoslovakia and Austria, simultaneously, in order to remove any threat from the flanks in case of a possible advance Westwards. In the case of a conflict with France it would hardly be necessary to assume that Czechoslovakia would declare war on the same day as France. However, Czechoslovakia's desire to participate in the war will increase proportionally to the degree to which we are being weakened. Its actual participation could make itself felt by an attack on Silesia, either towards the North or the West.

"Once Czechoslovakia is conquered—and a mutual frontier, Germany-Hungary is obtained—then a neutral attitude by Poland in a German-French conflict could more easily be relied upon. Our agreements with Poland remain valid only as long as Germany's strength remains unshakeable; should Germany have any setbacks then an attack by Poland against East Prussia, perhaps also against Pomerania, and Silesia, must be taken into account.

"Assuming a development of the situation, which would lead to a planned attack on our part in the years 1943 to '45, then the behaviour of France, England, Poland and Russia would probably have to be judged in the following manner:

"The Fuehrer believes personally, that in all probability England and perhaps also France, have already silently written off Czechoslovakia, and that they have got used to the idea that this question would one day be cleaned up by Germany. The difficulties in the British Empire and the prospect of being entangled in another long-drawn-out European War, were decisive factors in the nonparticipation of England in a war against Germany. The British attitude would certainly not remain without influence on France's attitude. An attack by France, without British support, is hardly probable assuming that its offensive would stagnate along our Western fortifications. Without England's support, it would also not be necessary to take into consideration a march by France through Belgium and Holland, and this would also not have to be reckoned with by us in case of a conflict with France, as in every case it would have as a consequence, the enmity of Great Britain. Naturally we should in every case, have to bar our frontier during the operation of our attacks against Czechoslovakia and Austria. It must be taken into consideration here that Czechoslovakia's defence measures will increase in strength from year to year, and that a consolidation of the inside values of the Austrian Army will also be effected in the course of years. Although the population of Czechoslovakia, in the first place is not a thin one, the embodiment of Czechoslovakia and Austria would nevertheless constitute the conquest of food for five to six million people, on the basis that a compulsory emigration of two million from Czechoslovakia, and of one million from Austria could be carried out. The annexation of the two States to Germany, militarily and politically, would constitute a considerable relief, owing to shorter and better frontiers, the freeing of fighting personnel for other purposes, and the possibility of reconstituting new armies up to a strength of about twelve Divisions, representing a new Division per one million population.

"No opposition to the removal of Czechoslovakia is expected on the part of Italy; however, it cannot be judged today what would be her attitude in the Austrian question, since it would depend largely on whether the Duce were alive at the time or not.

"The measure and speed of our action would decide Poland's attitude. Poland will have little inclination to enter the war against a victorious Germany, with Russia in the rear.

"Military participation by Russia must be countered by the speed of our operations; it is a question whether this needs to be taken into consideration at all, in view of Japan's attitude.

"Should Case 2 occur—paralyzation of France by a Civil War—then the situation should be utilized *at any time* for operations against Czechoslovakia, as Germany's most dangerous enemy would be eliminated.

"The Fuehrer sees Case 3 looming near; it could develop from the existing tensions in the Mediterranean, and should it occur, he has firmly decided to make use of it any time, perhaps even as early as 1938.

"Following recent experiences in the course of events of the war in Spain, the Fuehrer does not see an early end to hostilities there. Taking into consideration the time required for past offensives by Franco, a further three years duration of war is within the bounds of possibility. On the other hand, from the German point of view, a one hundred per cent victory by Franco is not desirable; we are more interested in a continuation of the war and preservation of the tensions in the Mediterranean. Should Franco be in sole possession of the Spanish Peninsula, it would mean the end of Italian intervention and the presence of Italy on the Balearic Isles. As our interests are directed towards continuing the war in Spain, it must be the task of our future policy to strengthen Italy in her fight to hold on to the Balearic Isles. However, a solidification of Italian positions on the Balearic Isles can not be tolerated either by France or by England and could lead to a war by France and England against Italy, in which case Spain, if entirely in white [Franco's] hands, could participate on the side of Italy's enemies. A subjugation of Italy in such a war appears very unlikely. Additional raw materials could be brought to Italy via Germany. The Fuehrer believes that Italy's military strategy would be to remain on the defensive against France on the Western frontier and carry out operations against France from Libya, against the North African French colonial possessions.

"As a landing of French-British troops on the Italian coast can be discounted, and as a French offensive via the Alps to Upper Italy would be extremely difficult, and would probably stagnate before the strong Italian fortifications, French lines of communication by the Italian fleet will to a great extent paralyze the transport of fighting personnel from North Africa to France, so that at its frontiers with Italy and Germany, France will have, at its disposal, solely the metropolitan fighting forces.

"If Germany profits from this war by disposing of the Czechoslovakian and the Austrian questions, the probability must be assumed that England—being at war with Italy—would not decide to commence operations against Germany. Without British support, a warlike action by France against Germany is not to be anticipated.

"The date of our attack on Czechoslovakia and Austria must be made independent of the course of the Italian-French-English war and would not be simultaneous with the commencement of military operations by these three States. The Fuehrer was also not thinking of military agreements with Italy, but in complete independence and by exploiting this unique favorable opportunity, he wishes to begin to carry out operations against Czechoslovakia. The attack on Czechoslovakia would have to take place with the speed of lightning [*blitzartig schnell*].

"Fieldmarshal von Blomberg and Generaloberst von Fritsch in giving their estimate on the situation, repeatedly pointed out that England and France must not appear as our enemies, and they stated that the war with Italy would not bind the French Army to such an extent that it would not be in a position to commence operations on our Western frontier with superior forces. Generaloberst von Fritsch estimated the French forces which would presumably be employed on the Alpine frontier against Italy to be in the region of twenty divisions, so that a strong French superiority would still remain on our Western frontier. The French would, according to German reasoning, attempt to advance into the Rhineland. We should consider the lead which France has got in mobilization, and quite apart from the very small value of our then existing fortifications—which was pointed out particularly by Generalfieldmarshal von Blomberg—the four motorized divisions which had been laid down for the West would be more or less incapable of movement. With regard to our offensive in a Southeasterly direction, Fieldmarshal von Blomberg drew special attention to the strength of the Czechoslovakian fortifications, the building of which had assumed the character of a Maginot Line and which would present extreme difficulties to our attack.

"Generaloberst von Fritsch mentioned that it was the purpose of a study which he had laid on for this winter to investigate the possibilities of carrying out operations against Czechoslovakia with special consideration of the conquest of the Czechoslovakian system of fortifications; the Generaloberst also stated that owing to the prevailing conditions, he would have to relinquish his leave abroad, which was to begin on the 10 November. This intention was countermanded by the Fuehrer, who gave as a reason that the possibility of the conflict was not to be regarded as being so imminent. In reply to statements by Generalfieldmarshal von Blomberg and Generaloberst von Fritsch regarding England and France's attitude, the Fuehrer repeated his previous statements and said that he was convinced of Britain's nonparticipation and that consequently he did not believe in military action by France against Germany. Should the Mediterranean conflict already mentioned, lead to a general mobilization in Europe, then we should have to commence operations against Czechoslovakia immediately. If, however, the powers who are not participating in the war should declare their disinterestedness, then Germany would, for the time being, have to side with this attitude.

"In view of the information given by the Fuehrer, Generaloberst Goering considered it imperative to think of a reduction or abandonment of our military undertaking in Spain. The Fuehrer agreed to this, insofar as he believed this decision should be postponed for a suitable date.

"The second part of the discussion concerned material armament questions.

"(Signed) Hossbach". (*386-PS*)

The record of what happened thereafter is well-known to history. The Anschluss with Austria, under military pressure from the Nazis, occurred in March 1938. Pressure on Czechoslovakia resulted in the Munich Pact of September 1938. That Pact was violated, and Czechoslovakia invaded by Germany on 15 March 1939.

Another captured document, a file kept by Colonel Schmundt, Hitler's adjutant, reveals the truth concerning the deliberateness of the aggressions against Czechoslovakia (*388–PS*). The file was found in a cellar of the Platterhof at Obersalzberg, near Berchtesgaden. It consists of a work-file of originals and duplicates, incidental to the preparations for the annexation of Czechoslovakia. The German title is *"Grundlagen zur Studie Gruen"*, (Basic Principles for "Case Green"), "Green" being a codeword for the aggression against Czechoslovakia. Item No. 2 in this file is dated 22 April 1938. It is a summary, prepared by Schmundt, the adjutant, of a discussion on 21 April 1938 between Hitler and Wilhelm Keitel. This item, like the other items in the file, relates to "Case Green". This meeting occurred within approximately one month following the successful annexation of Austria. In the carrying out of the conspiracy, it became necessary to revise the "Plan Green", to take into account changed conditions, as a result of the bloodless success against Austria. Item 2 reads:

> "Berlin, 22 April 1938.
>
> "Bases of the Dissertation on *Gruen.*
>
> "Summary of discussion between Fuehrer and General Keitel of 21 April:
>
> "A. Political Aspect.
>
> "1. Strategic surprise attack out of a clear sky without any cause or possibility of justification has been turned down. As result would be: hostile world opinion which can lead to a critical situation. Such a measure is justified only for the elimination of the *last* opponent on the mainland.
>
> "2. Action after a time of diplomatic clashes, which gradually come to a crisis and lead to war.
>
> "3. Lightning-swift action as the result of an incident (for example, assassination of German ambassador in connection with an anti-German demonstration.)
>
> "Military Conclusions.
>
> "1. The preparations are to be made for the political possibilities (2 and 3). Case 2 is the undesired one since *"Gruen"* will have taken security measures.
>
> "2. The loss of time caused by transporting the bulk of the divisions by rail—which is unavailable, but should be cut down as far as possible—must not impede a lightning-swift blow at the time of the action.
>
> "3. 'Separate thrusts' are to be carried out immediately

> with a view to penetrating the enemy fortification lines at numerous points and in a strategically favorable direction. The thrusts are to be worked out to the smallest detail (knowledge of roads, composition of the columns according to their individual tasks). Simultaneous attacks by the Army and Air Force.
>
> "The Air Force is to support the individual columns (for example divebombers; sealing off installations at penetration points, hampering the bringing up of reserves, destroying signal communications traffic, thereby isolating the garrisons.)
>
> "4. Politically, the first four days of military action are the decisive ones. If there are no effective military successes, a European crisis will certainly arise. Accomplished Facts must prove the senselessness of foreign military intervention, draw Allies into the scheme (division of spoils) and demoralize *'Gruen.'*
>
> "Therefore: bridging the time gap between first penetration and employment of the forces to be brought up, by a determined and ruthless thrust by a motorized army. (e.g. via Pilsen, Prague.)
>
> "5. If possible, separation of transport movement *'Rot'* from *'Gruen'*. [*'Rot'* was the code name for their then plan against the West.] A simultaneous strategic concentration *'Rot'* can lead *'Rot'* to undesired measures. On the other hand, it must be possible to put *'Case Rot'* into operation at any time.
>
> "C. Propaganda.
>
> "1. Leaflets on the conduct of Germans in Czechoslovakia (*Gruenland.*)
>
> "2. Leaflets with threats for intimidation of the Czechs (*Gruenen*).
>
> [Initialled by Schmundt]" (*388–PS*)

Particular attention should be drawn to paragraph 3 of this document, under the heading "Political Aspect", which reads as follows:

> "Lightning-swift action as the result of an incident (example: Assassination of German ambassador as an up-shot of an anti-German demonstration)." *(388-PS)*

The document as a whole establishes that the conspirators were planning the creation of an incident to justify to the world their own aggression against Czechoslovakia. It establishes that consideration was being given to assassinating the German ambassador at Prague to create the requisite incident.

C. *Formulation and Execution of the Plan to Invade Poland.* The next phase of the aggression was the formulation and execution of the plan to attack Poland, resulting in the initiation of aggressive war in September 1939. Here again the careful and meticulous record keeping of Hitler's adjutant, Schmundt, has provided a document in his own handwriting which throws down the mask (*L–79*). The document consists of minutes of a conference held on 23 May 1939. The place of the conference was the Fuehrer's Study in the New Reich Chancellery. Goering, Raeder and Keitel were present. The subject of the meeting was, "Indoctrination on the political situation and future aims."

The authenticity and accuracy of Schmundt's record of the meeting of 23 May 1939 has been admitted by Keitel in a pretrial interrogation. The minutes read as follows:

> "Top Secret
>
> "To be transmitted by officer only
>
> "Minutes of a Conference on 23 May 39"
>
> "Place: The Fuehrer's Study, New Reich Chancellery.
>
> "Adjutant on duty: Lt-Col. (G.S.) Schmundt.
>
> "Present: The Fuehrer, Field-Marshal Goering, Grand-Admiral Raeder, Col-Gen. von Brauchitsch, Col-Gen. Keitel, Col-Gen. Milch, Gen. (of Artillery) Halder, Gen. Bodenschatz, Rear-Adml. Schniewindt, Col. (G.S.) Jeschonnek, Col. (G.S.) Warlimont, Lt-Col. (G.S.) Schmundt, Capt. Engel (Army), Lieut-Commd. Albrecht, Capt. v. Below (Army).
>
> "Subject: Indoctrination on the political situation and future aims.
>
> "The Fuehrer defined as the purpose of the conference:
>
> "1. Analysis of the situation.
>
> "2. Definition of the tasks for the Armed Forces arising from the situation.
>
> "3. Exposition of the consequences of those tasks.
>
> "4. Ensuring the secrecy of all decisions and work resulting from these consequences.
>
> "Secrecy is the first essential for success.
>
> "The Fuehrer's observations are given in systematized form below.
>
> "Our present situation must be considered from two points of view:
>
> "1. The actual development of events between 1933 and 1939;
>
> "2. The permanent and unchanging situation in which Germany lies.
>
> "In the period 1933–1939, progress was made in all fields.

Our military situation improved enormously.

"Our situation with regard to the rest of the world has remained the same.

"Germany had dropped from the circle of Great Powers. The balance of power had been effected without the participation of Germany.

"This equilibrium is disturbed when Germany's demands for the necessities of life make themselves felt, and Germany re-emerges as a Great Power. All demands are regarded as 'Encroachments'. The English are more afraid of dangers in the economic sphere than of the simple threat of force.

"A mass of 80 million people has solved the ideological problems. So, too, must the economic problems be solved. No German can evade the creation of the necessary economic conditions for this. The solution of the problems demands courage. The principle, by which one evades solving the problem by adapting oneself to circumstances, is inadmissible. Circumstances must rather be adapted to aims. This is impossible without invasion of foreign states or attacks upon foreign property.

"Living space, in proportion to the magnitude of the state, is the basis of all power. One may refuse for a time to face the problem, but finally it is solved one way or the other. The choice is between advancement or decline. In 15 or 20 years' time we shall be compelled to find a solution. No German statesman can evade the question longer than that.

"We are at present in a state of patriotic fervour, which is shared by two other nations: Italy and Japan.

"The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims.

"After 6 years, the situation is today as follows:

"The national-political unity of the Germans has been achieved, apart from minor exceptions. Further successes cannot be attained without the shedding of blood.

"The demarkation of frontiers is of military importance.

"The Pole is no 'supplementary enemy'. Poland will always be on the side of our adversaries. In spite of treaties of friendship, Poland has always had the secret intention of exploiting every opportunity to do us harm.

"Danzig is not the subject of the dispute at all. It is a question of expanding our living space in the East and of securing our food supplies, of the settlement of the Baltic problem. Food supplies can be expected only from thinly populated areas. Over and above the natural fertility, thorough-going German exploitation will enormously increase the surplus.

"There is no other possibility for Europe.

"Colonies: Beware of gifts of colonial territory. This does not solve the food problem. Remember—blockade.

"If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. Upon record harvests we shall be able to rely even less in time of war than in peace.

"The population of nonGerman areas will perform no military service, and will be available as a source of labour.

"The Polish problem is inseparable from conflict with the West.

"Poland's internal power of resistance to Bolshevism is doubtful. Thus Poland is of doubtful value as a barrier against Russia.

"It is questionable whether military success in the West can be achieved by a quick decision, questionable too is the attitude of Poland.

"The Polish government will not resist pressure from Russia. Poland sees danger in a German victory in the West, and will attempt to rob us of the victory.

"There is therefore no question of sparing Poland, and we are left with the decision:

"*To attack Poland at the first suitable opportunity.* [This sentence is underscored in the original German text.]

"We cannot expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland. The success of the isolation will be decisive.

"Therefore, the Fuehrer must reserve the right to give the final order to attack. There must be no simultaneous conflict with the Western Powers [France and England].

"If it is not certain that a German-Polish conflict will not lead to war in the West, then the fight must be primarily against England and France.

"Fundamentally therefore: Conflict with Poland—beginning with an attack on Poland—will only be successful if the Western Powers keep out of it. If this is impossible, then it will be better to attack in the West and to settle Poland at the same time.

"The isolation of Poland is a matter of skillful politics.

"Japan is a weighty problem. Even if at first for various reasons her collaboration with us appears to be somewhat cool and restricted, it is nevertheless in Japan's own interest to take the initiative in attacking Russia in good time.

"Economic relations with Russia are possible only if political relations have improved. A cautious trend is apparent in Press comment. It is not impossible that Russia will show herself to be disinterested in the destruction of Poland. Should Russia take steps to oppose us, our relations with Japan may become closer.

"If there were an alliance of France, England and Russia against Germany, Italy and Japan, I would be constrained to attack England and France with a few annihilating blows. The Fuehrer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England sees in our development the foundation of a hegemony which would weaken England. England is therefore our enemy, and the conflict with England will be a life-and-death struggle.

"What will this struggle be like? [This sentence is underscored in the German original.]

"England cannot deal with Germany and subjugate us with a few powerful blows. It is imperative for England that the war should be brought as near to the Ruhr basin as possible. French blood will not be spared (West Wall). The possession of the Ruhr basin will determine the duration of our resistance.

"The Dutch and Belgium air bases will be occupied by armed forces. Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications in order finally to force them into cooperation.

"Albeit under protest, Belgium and Holland will yield to pressure.

"Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing a new defense line on Dutch soil up to the Zuider Zee.

"The war with England and France will be a life-and-death struggle.

"The idea that we can get off cheaply is dangerous; there is no such possibility. We must burn our boats, and it is no longer a question of justice or injustice, but of life or death for 80 million human beings.

"*Question: Short or long war?*

"Every country's armed forces or government must aim at a short war. The government, however, must also be prepared for a war of 10–15 years' duration.

"History has always shown that the people have believed that wars would be short. In 1914, the opinion still prevailed that it was impossible to finance a long war. Even today this idea still persists in many minds. But on the contrary, every state will hold out as long as possible, unless it immediately suffers some grave weakening (e.g. Ruhr basin). England has similar weaknesses.

"England knows that to lose a war will mean the end of her world power.

"*England* is the driving force against Germany.

"Her strength lies in the following:

"1. The British themselves are proud, courageous, tenacious, firm in resistance and gifted as organizers. They know how to exploit every new development. They have the love of adventure and bravery of the Nordic race. Quality is lowered by dispersal. The German average is higher.

"2. World power in itself. It has been constant for 300 years. Extended by the acquisition of allies, this power is not merely something concrete, but must also be considered as a psychological force embracing the entire world. Add to this immeasurable wealth, with consequential financial credit.

"3. Geopolitical safety and protection by strong sea power and a courageous air force.

"*England's weakness:*

"If in the World War I we had had two battleships and two cruisers more, and if the battle of Jutland had begun in the morning, the British fleet would have been defeated and England brought to her knees. It would have meant the end of this war. It was formerly not sufficient to defeat the fleet. Landings had to be made in order to defeat England. England could provide her own food supplies. Today that is no longer possible.

"The moment England's food supply routes are cut, she is forced to capitulate. The import of food and fuel depends on the fleet's protection.

"If the German Air Force attacks English territory, England will not be forced to capitulate in one day. But if the fleet is destroyed immediate capitulation will be the result.

"There is no doubt that a surprise attack can lead to a quick decision. It would be criminal, however, for the government to rely entirely on the element of surprise.

"Experience has shown that surprise may be nullified by—

"1. Disclosure outside the limit of the military circles concerned.

"2. Mere chance, which may cause the collapse of the whole enterprise.

"3. Human failings.

"4. Weather conditions.

"The final date for striking must be fixed well in advance. Beyond that time, the tension cannot be endured for long. It must be borne in mind that weather conditions can render any surprise intervention by Navy and Air Force impossible.

"This must be regarded as a most unfavorable basis of action.

"1. An effort must be made to deal the enemy a significant or the final decisive blow right at the start. Consideration of right and wrong or treaties do not enter into the matter. This will only be possible if we are not involved in a war with England on account of Poland.

"2. In addition to the surprise attack, preparation for a long war must be made, while opportunities on the Continent for England are eliminated.

"The Army will have to hold positions essential to the Navy and Air Force. If Holland and Belgium are successfully occupied and held, and if France is also defeated, the fundamental conditions for a successful war against England will have been secured.

"England can then be blockaded from Western France at close quarters by the Air Force, while the Navy with its submarines extend the range of the blockade.

"*Consequences*:

"England will not be able to fight on the Continent:

"Daily attacks by the Air Force and Navy will cut all her life-lines:

"Germany will not bleed to death on land.

"Such strategy has been shown to be necessary by World War I and subsequent military operations. World War I is responsible for the following strategic considerations which are imperative—

"1. With a more powerful Navy at the outbreak of the War, or a wheeling movement by the Army towards the Channel ports, the end would have been different.

"2. A country cannot be brought to defeat by an air force. It is impossible to attack all objectives simultaneously, and the lapse of time of a few minutes would evoke defense counter-measures.

"3. The unrestricted use of all resources is essential.

"4. Once the Army, in cooperation with the Air Force and Navy, has taken the most important positions, industrial production will cease in flow in to the bottomless pit of the Army's battles, and can be diverted to benefit the Air Force and Navy.

"The Army must, therefore, be capable of taking these positions. Systematic preparation must be made for the attack.

"Study to this end is of the utmost importance.

"The aim will always be to force England to her knees.

"A weapon will only be of decisive importance in winning battles, so long as the enemy does not possess it.

"This applies to gas, submarines and the Air Force. It would be true of the latter, for instance, as long as the English Fleet had no available countermeasures; it will no longer be the case in 1940 and 1941. Against Poland, for example, tanks will be effective, as the Polish Army possesses no counter-measures.

"Where straightforward pressure is no longer considered to be decisive, its place must be taken by the elements of surprise and by masterly handling. * * *"

* * * * * * *

"Purpose:

"1. Study of the entire problem.

"2. Study of the events.

"3. Study of the means needed.

"4. Study of the necessary training.

"Men with great powers of imagination and high technical training must belong to the staff, as well as officers with sober sceptic powers of understanding.

"Working principles:

"1. No one is to take part in this who does not have to know of it.

"2. No one can find out more than he must know.

"3. When must the person in question know it at the very latest? No one may know anything before it is necessary that he know it.

"On Goering's question, the Fuehrer decided that:

"*a.* The armed forces determine what shall be built.

> "*b.* In the shipbuilding program, nothing is to be changed.
>
> "*c.* The armament programs are to be modeled on the years 1943 or 1944.
>
> [Schmundt certified this text.]" (*L–79*)

These minutes demonstrate that the Nazi conspirators were proceeding in accordance with a plan. They demonstrate the cold-blooded premeditation of the assault on Poland. They demonstrate that the questions concerning Danzig, which the Nazis had agitated with Poland as a political pretext, were not true questions, but were false issues, issues agitated to conceal their motive of aggressive, expansion for food, and *Lebensraum.*

Just one week prior to the launching of the attack on Poland, Hitler made an address to his chief military commanders, at Obersalzberg, on 22 August 1939. [Three reports of this meeting are available: (*L–3*; *798–PS*; and *1014–PS*). The first of the three documents (*L–3*) was obtained through an American newspaperman, and purported to be original minutes of the Obersalzberg meeting, transmitted to the newspaperman by some other person. There was no proof of actual delivery to the intermediary by the person who took the notes. That document (*L–3*) therefore, merely served as an incentive to search for something better. The result was that two other documents (*798–PS*) and (*1014–PS*) were discovered in the OKW files at Flensberg. These two documents indicate that Hitler on that day made two speeches, one apparently in the morning and one in the afternoon. Comparison of those two documents with the first document (*L–3*) led to the conclusion that the first document was a slightly garbled merger of the two speeches, and therefore was not relied upon.]

On this day of 22 August 1939, Hitler addressed the supreme commanders of the three branches of the armed forces, as well as the commanding generals, (*Oberbefehlshabers*) as follows:

> "I have called you together to give you a picture of the political situation, in order that you may have insight into the individual element on which I base my decision to act, and in order to strengthen your confidence. After this, we will discuss military details.
>
> "It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in Spring. [Apparently this referred to (*L–79*).] But I thought I would first turn against the West in a few years, and only afterwards against the East. But the sequence cannot be fixed. One cannot close one's eyes even before a threatening situation. I wanted to establish an acceptable relationship with

Poland, in order to fight first against the West, but this plan which was agreeable to me could not be executed, since essential points have changed.

"It became clear to me that Poland would attack us, in case of a conflict in the West.

"Poland wants access to the sea.

"The further development became obvious after the occupation of the Memel region, and it became clear to me that under the circumstances a conflict with Poland could arise at an unopportune moment.

"I enumerate as reasons for this reflection, first of all, two personal constitutions, my own personality, and that of Mussolini. Essentially, it depends on me, my existence, because of my political activity.

"Furthermore, the fact that probably no one will ever again have the confidence of the whole German people as I do. There will probably never again be a man in the future with more authority. My existence is, therefore, a factor of great value. But I can be eliminated at any time by a criminal or an idiot.

"The second personal factor is Il Duce. His existence is also decisive. If something happens to him, Italy's loyalty to the alliance will no longer be certain. The basic attitude of the Italian Court is against the Duce. Above all, the Court sees in the expansion of the empire a burden. The Duce is the man with the strongest nerves in Italy.

"The third factor, favorable for us is Franco. We can only ask benevolent neutrality from Spain, but this depends on Franco's personality. He guarantees a certain uniformity and steadiness of the present system in Spain. We must take into account the fact that Spain does not as yet have a Fascist Party of our internal unity.

"On the other side, a negative picture, as far as decisive personalities are concerned. There is no outstanding personality in England or France.

"For us it is easy to make decisions. We have nothing to lose: we can only gain. Our economic situation is such, because of our restrictions, that we cannot hold out more than a few years. Goering can confirm this. We have no other choice; we must act. Our opponents risk much and gain only little. England's stake in a war is unimaginably great. Our enemies have men who are below average. No personalities, no masters, no men of action.

"Besides the personal factor, the political situation is favorable for us; in the Mediterranean rivalry among Italy, France, and England; in the Orient tension, which leads to the alarming of the Mohammedan world.

"The English empire did not emerge from the last war strengthened. From a maritime point of view, nothing was achieved: Conflict between England and Ireland, the south African Union became more independent, concessions had to be made to India, England is in great danger, unhealthy industries. A British statesman can look into the future only with concern.

"France's position has also deteriorated, particularly in the Mediterranean.

"Further favorable factors for us are these:

"Since Albania, there is an equilibrium of power in the Balkans. Yugoslavia carries the germ of collapse because of her internal situation.

"Rumania did not grow stronger. She is liable to attack and vulnerable. She is threatened by Hungary and Bulgaria. Since Kemal's death, Turkey has been ruled by small minds, unsteady weak men.

"All these fortunate circumstances will no longer prevail in two to three years. No one knows how long I shall live. Therefore conflict better now.

"The creation of Greater Germany was a great achievement politically but militarily it was questionable, since it was achieved through a bluff of the political leaders. It is necessary to test the military, if at all possible, not by general settlement, but by solving individual tasks.

"The relation to Poland has become unbearable. My Polish policy hitherto was in contrast to the ideas of the people. My propositions to Poland, the Danzig corridor, were disturbed by England's intervention. Poland changed her tune towards us. The initiative cannot be allowed to pass to others. This moment is more favorable than in two to three years. An attempt on my life or Mussolini's could only change the situation to our disadvantage. One cannot eternally stand opposite one another with cocked rifle. A suggested compromise would have demanded that we change our convictions and make agreeable gestures. They talked to us again in the language of Versailles. There was danger of losing prestige. Now the probability is still great that the West will not interfere. We must accept the risk with reckless resolution. A politician must accept a risk as much as

> a military leader. We are facing the alternative to strike or to be destroyed with certainty sooner or later."
>
> * * * * * * *
>
> "Now it is also a great risk. Iron nerves, iron resolution."
>
> * * * * * * *
>
> "We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some *Schweinhund* will make a proposal for mediation."
>
> * * * * * * *
>
> "Goering answers with thanks to the Fuehrer and the assurance that the armed forces will do their duty." (*798–PS*)

In his second speech on 22 August 1939 the Fuehrer had this to say:

> "It may also turn out differently regarding England and France. One cannot predict it with certainty. I figure on a trade-barrier, not on blockade, and with severance of relations. Most iron determination on our side. Retreat before nothing. Everybody shall have to make a point of it that we were determined from the beginning to fight the Western powers. Struggle for life or death. Germany has won every war as long as she was united. Iron, unflinching attitude of all superiors, greatest confidence, faith in victory, overcoming of the past by getting used to heaviest strain. A long period of peace would not do us any good. Therefore it is necessary to expect everything. Manly bearing. It is not machines that fight each other, but men. We have the better quality of men. Mental factors are decisive. The opposite camp has weaker people. In 1918, the Nation fell down because the mental prerequisites were not sufficient. Frederic the Great secured final success only through his mental power.
>
> "Destruction of Poland in the foreground. The aim is elimination of living forces, not the arrival at a certain line. Even if war should break out in the West, the destruction of Poland shall be the primary objective. Quick decision because of the season.
>
> "I shall give a propagandistic cause for starting the war, never mind whether it be plausible or not. The victor shall not be asked, later on, whether we told the truth or not. In starting and making a war, not the Right is what matters but Victory.

> "Have no pity. Brutal attitude. 80,000,000 people shall get what is their right. Their existence has to be secured. The strongest has the Right. Greatest severity.
>
> "Quick decision necessary. Unshakable faith in the German soldier. A crisis may happen only if the nerves of the leaders give way.
>
> "First aim: advance to the Vistula and Narew. Our technical superiority will break the nerves of the Poles. Every newly created Polish force shall again be broken at once. Constant war of attrition.
>
> "New German frontier according to healthy principle. Possibly a protectorate as a buffer. Military operations shall not be influenced by these reflections. Complete destruction of Poland is the military aim. To be fast is the main thing. Pursuit until complete elimination.
>
> "Conviction that the German *Wehrmacht* is up to the requirements. The start shall be ordered, probably by Saturday morning." *(1014-PS)*

D. *Expansion into General War of Aggression: Scandinavia, The Low Countries, The Balkans.*

The aggressive war having been initiated in September 1939, and Poland having been defeated shortly after the initial assaults, the Nazi aggressors converted the war into a general war of aggression extending into Scandinavia, into the Low Countries, and into the Balkans. (Under the division of the case agreed by the four Chief Prosecutors, this phase of aggression was left for development to the British prosecuting staff, and is discussed in Sections 9, 10 and 11 of this Chapter, *infra.*)

E. *Aggression Against the U. S. S. R.*

The attack upon Russia was preceded with premeditation and deliberation. Just as, in the case of aggression against Czechoslovakia, the Nazis had a code name for the secret operation, "Case Green", so in the case of aggression against the Soviet Union, they had a code name, "Case Barbarossa". A secret directive, Number 21, issued from the Fuehrer's Headquarters on 18 December 1940, relating to "Case Barbarossa," was captured among the OKW files at Flensberg (*446-PS*). This directive was issued more than six months in advance of the attack. (Other evidence shows that the planning occurred even earlier.) This order, signed by Hitler and initialled by Jodl and Keitel, was issued in nine copies, of which we have the fourth. The directive reads:

"The German Armed Forces must be prepared to crush Soviet Russia in a quick campaign before the end of the war against England. (Case Barbarossa.)

"For this purpose the Army will have to employ all available units with the reservation that the occupied territories will have to be safeguarded against surprise attacks.

"For the Eastern campaign the Air force will have to free such strong forces for the support of the Army that a quick completion of the ground operations may be expected and that damage of the Eastern German territories will be avoided as much as possible. This concentration of the main effort in the East is limited by the following reservation: That the entire battle and armament area dominated by us must remain sufficiently protected against enemy air attacks and that the attacks on England and especially the supply for them must not be permitted to break down.

"Concentration of the main effort of the Navy remains unequivocally against England also during an Eastern campaign.

"If occasion arises I will order the concentration of troops for action against Soviet Russia eight weeks before the intended beginning of operations.

"Preparations requiring more time to start are—if this has not yet been done—to begin presently and are to be completed by 15 May 1941.

"Great caution has to be exercised that the intention of an attack will not be recognized.

"The preparations of the High Command are to be made on the following basis:

"I. *General Purpose:*

"The mass of the Russian Army in Western Russia is to be destroyed in daring operations by driving forward deep wedges with tanks and the retreat of intact battle-ready troops into the wide spaces of Russia is to be prevented.

"In quick pursuit a (given) line is to be reached from where the Russian Air force will no longer be able to attack German Reich territory. The first goal of operations is the protection from Asiatic Russian from the general line Volga-Archangelsk. In case of necessity, the last industrial area in the Urals left to Russia could be eliminated by the Luftwaffe.

In the course of these operations the Russian Baltic Sea Fleet will quickly erase its bases and will no longer be ready to fight.

> "Effective intervention by the Russian Air force is to be prevented through forceful blows at the beginning of the operations." (*446–PS*)

Another secret document captured from the OKW files establishes the motive for the attack on the Soviet Union (*2718–PS*). It also establishes the full awareness of the Nazi conspirators of the Crimes against Humanity which would result from their attack. The document is a memorandum of 2 May 1941 concerning the results of a discussion on that day with the State Secretaries concerning "Case Barbarossa." The memorandum reads in part:

> "Matter for Chief; 2 copies; first copy to files Ia. Second copy to General Schubert. May 2nd, 1941. Memorandum. About the result of today's discussion with the State Secretaries about Barbarossa.
>
> "1. The war can only be continued if all armed forces are fed by Russia in the third year of war.
>
> "2. There is no doubt that as a result many millions of people will be starved to death if we take out of the country the things necessary for us." (*2718–PS*)

F. *Collaboration with Japan: Precipitation of The Pearl Harbor Attack.*

With the unleashing of the German aggressive war against the Soviet Union in June 1941, the Nazi conspirators and, in particular Ribbentrop, called upon the Eastern co-architect of the New Order, Japan, to attack in the rear. The Nazi's incited and kept in motion a force reasonably calculated to result in an attack on the United States. For a time, they preferred that the United States not be involved in the conflict, due to military considerations. However, their incitement resulted in the attack on Pearl Harbor, and long prior to that attack, they had assured the Japanese that they would declare War on the United States should a United States-Japanese conflict occur. It was in reliance on these assurances that the Japanese struck at Pearl Harbor.

These matters are disclosed in a document, captured from the files of the German Foreign Office, which consists of notes dated 4 April 1941, signed by Schmidt, regarding discussions between the Fuehrer and the Japanese Foreign Minister Matsuoka, in the presence of Ribbentrop (*1881–PS*). Pertinent parts of this document read as follows:

> "Matsuoka then also expressed the request, that the Fuehrer should instruct the proper authorities in Germany to meet as broad-mindedly as possible the wishes of the Japanese Military Commission. Japan was in need of German help

particularly concerning the U-boat warfare, which could be given by making available to them the latest experiences of the war as well as the latest technical improvements and inventions. * * *

"Japan would do her utmost to avoid a war with the United States. In case that the country should decide to attack Singapore, the Japanese navy, of course, had to be prepared for a fight with the United States, because in that case America would probably side with Great Britain. He (Matsuoka) personally believed, that the United States could be restrained by diplomatic exertions from entering the war at the side of Great Britain. Army and Navy had, however, to count on the worse situation, that is war against America. They were of the opinion that such a war would extend for five years or longer and would take the form of guerilla warfare in the Pacific and would be fought out in the South Sea. For this reason the German experiences in her guerilla warfare are of the greatest value to Japan. It was a question how such a war would best be conducted and how all the technical improvements of submarine, in all details such as periscopes and such like, could best be exploited by Japan. "To sum up, Matsuoka requested that the Fuehrer should see to it that the proper German authorities would place at the disposal of the Japanese these developments and inventions concerning navy and army, which were needed by the Japanese.

"The Fuehrer promised this and pointed out that Germany too considered a conflict with the United States undesirable, but that it had already made allowance for such a contingency. In Germany one was of the opinion that America's contribution depended upon the possibilities of transportation, and that this again is conditioned by the available tonnage. Germany's war against tonnage, however, means a decisive weakening not merely against England, but also against America. Germany has made her preparations so that no American could land in Europe. She would conduct a most energetic fight against America with her U-boats and her Luftwaffe, and due to her superior experience, which would still have to be acquired by the United States, she would be vastly superior, and that quite apart from the fact, that the German soldier naturally ranks high above the American.

"In the further course of the discussion the Fuehrer pointed out, that Germany on her part would immediately take the consequences, if Japan would get involved with the United States. It did not matter with whom the United States would first get involved, if with Germany or with Japan. They would always try to eliminate one country at a time, not to come to an understanding with the other country subsequently. Therefore Germany would strike, as already mentioned, without delay in case of a conflict between Japan and America, because the strength of the tripartite powers lies in their joined action, their weakness would be if they would let themselves be beaten individually.

"Matsuoka once more repeated his request, that the Fuehrer might give the necessary instructions, in order that the proper German authorities would place at the disposal of the Japanese the latest improvements and inventions, which are of interest to them. Because the Japanese navy had to prepare immediately for a conflict with the United States.

"As regards Japanese-American relationship, Matsuoka explained further that he has always declared in his country, that sooner or later a war with the United States would be unavoidable, if Japan continued to drift along as at present. In his opinion this conflict would happen rather sooner than later. His argumentation went on, why should Japan, therefore, not decisively strike at the right moment and take the risk upon herself of a fight against America? Just thus would she perhaps avoid a war for generations, particularly if she gained predominance in the South Seas. There are, to be sure, in Japan many who hesitate to follow those trends of thought. Matsuoka was considered in those circles a dangerous man with dangerous thoughts. He, however, stated that, if Japan continued to walk along her present path, one day she would have to fight anyway and that this would then be under less favorable circumstances than at present.

"The Fuehrer replied that he could well understand the situation of Matsuoka, because he himself was in similar situations (the clearing of the Rhineland, declaration of sovereignty of armed Forces). He too was of the opinion that he had to exploit favorable conditions and accept the risk of an anyhow unavoidable fight at a time when he himself was still young and full of vigor. How right he was in his attitude was proven by events. Europe now was free. He would not hesitate a moment instantly to reply to any widening of the war, be it by Russia, be it by America. Providence favored those who will not let dangers come to them, but who will bravely face them.

"Matsuoka replied, that the United States or rather their ruling politicians had recently still attempted a last manoeuver towards Japan, by declaring that America would not fight Japan on account of China or the South Seas provided that Japan gave free passage to the consignment of rubber and tin to America to their place of destination. However, America would war against Japan the moment she felt that Japan entered the war with the intention to assist in the destruction of Great Britain. * * *

The Fuehrer commented on this, that this attitude of America did not mean anything but that the United States had the hope, that, as long as the British World Empire existed, one day they could advance against Japan together with Great Britain, whereas, in case of the collapse of the World Empire, they would be totally isolated and could not do anything against Japan.

"The Reich Foreign Minister interjected that the Americans precisely under all circumstances wanted to maintain the powerful position of England in East Asia, but that on the other hand it is proved by this attitude, to what extent she fears a joint action of Japan and Germany.

"Matsuoka continued that it seemed to him of importance to give to the Fuehrer an absolutely clear picture of the real attitude inside Japan. For this reason he also had to inform him regretfully of the fact that he (Matsuoka) in his capacity as Japanese Minister for Foreign Affairs could not utter in Japan itself a single word of all that he had expounded before the Fuehrer and the Reich Foreign Minister regarding his plans. This would cause him serious damage in political and financial circles. Once before, he had committed the mistake, before he became Japanese Minister for Foreign Affairs, to tell a close friend something about his intentions. It seems that the latter had spread these things and thus brought about all sorts of rumors, which he as Foreign Minister had to oppose energetically, though as a rule he always tells the truth. Under those circumstances he also could not indicate, how soon he could report on the questions discussed to the Japanese Premier or to the Emperor. He would have to study exactly and carefully in the first place the development in Japan, so as to make his decision at a favorable moment, to make a clean breast of his proper plans towards the Prince Konoye and the Emperor. Then the decision would have to be made within a few days, because the plans would otherwise be spoiled by talk.

"Should he, Matsuoka, fail to carry out his intentions, that would be proof that he is lacking in influence, in power of conviction, and in tactical capabilities. However, should he succeed, it would prove that he had great influence in Japan. He himself felt confident that he would succeed.

"On his return, being questioned, he would indeed admit to the Emperor, the Premier and the Ministers for the Navy and the Army, that Singapore had been discussed; he would, however, state that it was only on a hypothetical basis.

"Besides this Matsuoka made the express request not to cable in the matter of Singapore because he had reason to fear that by cabling something might leak out. If necessary he would send a courier.

"The Fuehrer agreed and assured after all, that he could rest entirely assured of German reticence.

"Matsuoka replied he believed indeed in German reticence, but unfortunately could not say the same of Japan.

"The discussion was terminated after the exchange of some personal parting words.

"Berlin, the 4th of April 1941.

"(signed) SCHMIDT" (*1881–PS*)

CHAPTER IX

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE PLOTTING OF AGGRESSIVE WAR

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (F); V....................	I	22,29
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*386-PS	Notes on a conference with Hitler in the Reich Chancellery, Berlin, 5 November 1937, signed by Hitler's adjutant, Hossbach, and dated 10 November 1937. (USA 25).....	III	295
*388-PS	File of papers on Case Green (the plan for the attack on Czechoslovakia), kept by Schmundt, Hitler's adjutant, April-October 1938. (USA 26)........................	III	305

Document	Description	Vol.	Page
442–PS	General Order No. 16 on the preparation of a landing operation against England, 16 July 1940, initialled by Jodl and Keitel.......	III	399
*446–PS	Top Secret Fuehrer Order No. 21 signed by Hitler and initialled by Jodl, Warlimont and Keitel, 18 December 1940, concerning the Invasion of Russia (case Barbarossa). (USA 31)..............	III	407
*789–PS	Speech of the Fuehrer at a conference, 23 November 1939, to which all Supreme Commanders were ordered. (USA 23)..............	III	572
*798–PS	Hitler's speech to Commanders-in-Chief, at Obersalzberg, 22 August 1939. (USA 29)............	III	581
*1014–PS	Hitler's speech to Commanders-in-Chief, 22 August 1939. (USA 30)............................	III	665
*1881–PS	Notes on conference between Hitler and Matsuoka in presence of Ribbentrop in Berlin, 4 April 1941. (USA 33)......................	IV	522
*2261–PS	Directive from Blomberg to Supreme Commanders of Army, Navy and Air Forces, 24 June 1935; accompanied by copy of Reich Defense Law of 21 May 1935 and copy of Decision of Reich Cabinet of 12 May 1935 on the Council for defense of the Reich. (USA 24)......................	IV	934
*2718–PS	Memorandum "About the result of today's discussion with State Secretaries about Barbarossa", 2 May 1941. (USA 32)...........	V	378

Document	Description	Vol.	Page
*D-660	Extracts from Hutchinson's Illustrated edition of Mein Kampf. (GB 128)	VII	164
**L-3	Contents of Hitler's talk to Supreme Commander and Commanding Generals, Obersalzberg, 22 August 1939. (USA 28) (Referred to but not offered in evidence)	VII	752
*L-79	Minutes of conference, 23 May 1939, "Indoctrination on the political situation and future aims". (USA 27)	VII	847

2. PREPARATION FOR AGGRESSION: 1933-1936

By 1933 the Nazi Party, the NSDAP, had reached very substantial proportions. At that time its plans called for the acquisition of political control of Germany. This was indispensable for consolidation, within the country, of all the internal resources and potentialities.

As soon as there was sufficient progress along this line of internal consolidation, the next step was to become disengaged from some of the external disadvantages of existing international limitations and obligations.

The restrictions of the Versailles Treaty were a bar to the development of strength in all the fields necessary if Germany were to make war. Although there had been an increasing amount of circumvention and violation from the very time that the Versailles Treaty came into effect, such operations under disguise and subterfuge could not attain proportions adequate for the objectives of the Nazis. To get the Treaty of Versailles out of the way was indispensable to the development of the extensive military power which they had to have for their purposes. It was as a part of the same plan and for the same reason that Germany withdrew from the Disarmament Conference and from the League of Nations. It was impossible for the Nazis to carry out their plan on the basis of existing international obligations or on the basis of the orthodox kind of future commitments.

CHAPTER IX

Every military and diplomatic operation undertaken by the Nazis was preceded by a plan of action and a careful coordination of all participating forces. At the same time each event was part of a long prepared plan of aggression. Each represented a necessary step in the preparation of the schedule of aggressions which was subsequently carried out.

Three of the steps in preparation for aggression were first, the withdrawal from the Disarmament Conference and the League of Nations; second, the institution of compulsory military service; and, third, the reoccupation of the demilitarized zone of the Rhineland. Each of these steps was progressively more serious in the matter of international relations. In each of these steps Germany anticipated the possibility of sanctions being applied by other countries, and, particularly, a strong military action from France with the possible assistance of England. However, the conspirators were determined that nothing less than a preventive war would stop them, and they also estimated correctly that no one or combination of big powers would undertake the responsibility for such a war. The withdrawal from the Disarmament Conference and from the League of Nations was, of course, action that did not violate any international obligation. The League Covenant provided the procedure for withdrawal. These actions, however, cannot be disassociated from the general conspiracy and the plan for aggression. The announcement of the institution of universal military service was a more daring action. It was a violation of the Versailles Treaty, but the Nazis got away with it. Then came outright military defiance, with the occupation of the demilitarized zone of the Rhineland.

A. *Planning to Overthrow the Versailles Treaty.*

The determination and the plans of the Nazi conspirators to remove the restrictions of Versailles, started very early. This fact is confirmed by their own statements, their boasts of long planning and careful execution. Hitler, in his speech to all Supreme Commanders on 23 November 1939, stated that his primary goal was to wipe out Versailles (*789–PS*). And Jodl, as Chief of the General Staff of the Armed Forces, delivered an address after four years of war, on 7 November 1943, in which he traced the development of German strength (*L–172*). The seizure of power to him meant the restoration of fighting sovereignty, including conscription, occupation of the Rhineland, and rearmament, with special emphasis on modern armor and air forces. In his speech, entitled "The Strategic Position at the Beginning of the 5th Year of War," General Jodl gave a retrospective summary of the war for the benefit of the Reich and Gau leaders. He stated:

> "Introduction: Reichsleiter Bormann has requested me to give you a review today of the strategic position in the beginning of the 5th Year of War.
>
> "I must admit that it was not without hesitation that I undertook this none too easy task. It is not possible to do it justice with a few generalities. It is not necessary to say openly what is. No one—the Fuehrer has ordered—may know more or be told more than he needs for his own immediate task, but I have no doubt at all in my mind, Gentlemen, but that you need a great deal in order to be able to cope with your tasks. It is in your Gaus, after all, and among their inhabitants that all the enemy propaganda, the defeatism, and the malicious rumours concentrate, that try to find themselves a plan among our people. Up and down the country the devil of subversion strides. All the cowards are seeking a way out, or—as they call it—a political solution. They say, we must negotiate while there is still something in hand, and all these slogans are made use of to attack the natural sense of the people, that in this war there can only be a fight to the end. Capitulation is the end of the Nation, the end of Germany. Against this wave of enemy propaganda and cowardice you need more than force. You need to know the true situation and for this reason I believe that I am justified in giving you a perfectly open and uncolored account of the state of affairs. This is no forbidden disclosure of secrets, but a weapon which may perhaps help you to fortify the morale of the people. For this war will not only be decided by the force of arms but by the will of the whole people. Germany was broken in 1918 not at the front but at home. Italy suffered not military defeat but morale defeat. She broke down internally. The result has been not the peace she expected but—through the cowardice of these criminal traitors—a fate thousand times harder than continuation of the war at our side would have brought to the Italian people. I can rely on you, Gentlemen, that since I give concrete figures and data concerning our own strength, you will treat these details as your secret; all the rest is at your disposal without restriction for application in your activities as leaders of the people.
>
> "The necessity and objectives of this war were clear to all and everyone at the moment when we entered upon the War of Liberation of Greater Germany and by attacking parried

the danger which menaced us both from Poland and from the Western powers. Our further incursions into Scandinavia, in the direction of the Mediterranean, and in that of Russia—these also aroused no doubts concerning the general conduct of the war so long as we were successful. It was not until more serious set-backs were encountered and our general situation began to become increasingly acute, that the German people began to ask itself whether perhaps we had not undertaken more than we could do and set our aims too high. To provide an answer to this questioning and to furnish you with certain points of view for use in your own explanatory activities is one of the main points of my present lecture. I shall divide it into three parts:

"I. A review of the most important development up to the present.

"II. Consideration of the present situation.

"III. The foundation of our morale and our confidence in victory.

"In view of my position as military advisor to the Fuehrer, I shall confine myself in my remarks to the problems of my own personal sphere of action, fully appreciating at the same time that in view of the protean nature of this war, I shall in this way be giving expression only to one side of events.

"I. *Review*

"1. The fact that the National Socialist movement and its struggle for internal power were the preparatory stage of the outer liberation from the bonds of the Dictate of Versailles is not one on which I need enlarge in this circle. I should like however to mention at this point how clearly all thoughtful regular soldiers realize what an important part has been played by the National Socialist movement in reawakening the will to fight [*Wehrwillen*] in nurturing fighting strength [*Wehrkraft*] and in rearming the German people. In spite of all the virtue inherent in it, the numerically small *Reichswehr* would never have been able to cope with this task, if only because of its own restricted radius of action. Indeed, what the Fuehrer aimed at—and has so happily been successful in bringing about—was the fusion of these two forces.

"2. The seizure of power in its turn has meant in the first place restoration of fighting sovereignty [*Wehrhoheit*—conscription, occupation of the Rhineland] and rearmament with special emphasis being laid on the creation of a modern armoured and air arm.

"3. The Austrian '*Anschluss*' in its turn, brought with it not only the fulfillment of an old national aim but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and an air base for the Allies, in particular Russia), Czechoslovakia herself was now enclosed by pincers.

"Its own strategic position had now become so unfavorable that she was bound to fall a victim to any attack pressed home with rigour before effective aid from the West could be expected to arrive.

"This possibility of aid was furthermore made more difficult by the construction of the West Wall, which, in contra-distinction to the Maginot Line, was not a measure based on debility and resignation but one intended to afford rear cover for an active policy in the East.

"4. The bloodless solution of the Czech conflict in the autumn of 1938 and spring of 1939 and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it now became possible to consider the Polish problem on the basis of more or less favourable strategic premises.

"This brings me to the actual outbreak of the present war, and the question which next arises is whether the moment for the struggle with Poland—in itself unavoidable—was favorably selected or not. The answer to this question is all the less in doubt since the opponent—after all, not inconsiderable in himself—collapsed unexpectedly quickly, and the Western Powers who were his friends, while they did declare war on us and form a second front, yet for the rest made no use of the possibilities open to them of snatching the initiative from our hands. Concerning the course of the Polish campaign, nothing further need be said beyond that it proved in a measure which made the whole world sit up and take notice a point which up till then had not been certain by any means; that is, the high state of efficiency of the young Armed Forces of Great Germany." (*L–172*)

In this speech General Jodl identifies himself fully with the Nazi movement. His own words show that he was not a mere soldier. Insofar as he is concerned, his speech identifies the military with the political, it also shows the deliberation with which the Treaty of Versailles was abrogated by Germany and the demilitarized zone of the Rhineland was militarized and fortified.

In one of Adolf Hitler's reviews of the six-year period between his ascendancy to power and the outbreak of hostilities, he not only admitted but boasted about the orderly and coordinated long-range planning. The minutes of conference of the Fuehrer kept by Schmundt, his adjutant, contain the following passage:

> "In the period 1933-1939 progress was made in all fields. Our military system improved enormously."
>
> * * * * * * *
>
> "The period which lies behind us has, indeed, been put to good use. All measures have been taken in the correct sequence and in harmony with our aims." (*L–79*)

B. *Economic and Financial Preparations for Aggressive War.*

One of the most significant preparations for aggressive war is found in the Secret Reich Defense Law of 21 May 1935 (*2261–PS*). The law went into effect upon its passage. It stated at its outset that it was to be made public instanter, but at the end of it Adolf Hitler signed the decree ordering that it be kept secret. General Thomas, who was in charge of War Armament Economy and for some time a high ranking member of the German High Command, refers to this law as the cornerstone of war preparations. He points out that, although the law was not made public until the outbreak of war, it was put into immediate execution as a program for preparations. These statements are made at page 25 of General Thomas' work, "A History of the German War and Armament Economy, 1923-1944." *(2353-PS)*

This secret law remained in effect until 4 September 1939, at which time it was replaced by another secret defense law *(2194-PS)* revising the system of defense organization and directing more detailed preparations for the approaching status of "mobilization," which was clearly an euphemism for war.

The covering letter, under which this second Reich Defense Law, was sent to the Ministry for Economy and Labor for Saxony in Dresden, on 6 December 1939, was classified Top Secret and read as follows:

> "Transportation Section, attention of Construction Chief Counsellor Hirches, or representative in the office of the Reich Protector in Bohemia and Moravia, received Prague, 5 September 1939, No. 274.
>
> "Inclosed please find a copy of the Reich Defense Law of 4 September 1938 and a copy each of the decrees of the Reich Minister of Transportation, dated 7 October 1938, RL

> 10.2212/38, top secret, and of 17 July 1939, RL / LV 1.2173/39, top secret. For your information and observance, by order, signed Kretzchmar. 3 inclosures completed to Dresden, 4 September 1939, signed Schneider 3 inclosures. Receipt for the letter of 4 September 1939, with 3 inclosures, signed 5 September, 1939, and returned to construction Counsellor Kretzchmar." (*2194–PS*)

Thus the second secret Reich Defense Law was transmitted under top secret cover.

The general plan for the breach of the Treaty of Versailles and for the ensuing aggressions was carried out in four ways: (1) secret rearmament from 1933 to March 1935; (2) the training of military personnel (that includes secret or camouflage training); (3) production of munitions of war; (4) the building of an air force.

The facts of rearmament and of secrecy are self-evident from the events that followed. The significant phase of this activity lies in the fact that it was necessary in order to break the barriers of the Treaty of Versailles and of the Locarno Pact, and to make ready for aggressive wars which were to follow.

Those activities by their nature and extent, could only have been for aggressive purposes. The highest importance which the German government attached to the secrecy of the program is emphasized by the disguised methods of financing utilized both before and after the announcement of conscription, and the rebuilding of the army, on 16 March 1935.

The point is illustrated by an unsigned memorandum by Schacht dated 3 May 1935, entitled, "The Financing of the Armament program, *"Finanzierung der Ruestung."* (*1168–PS*) It is not signed by Schacht, but in an interrogation on 16 October 1945, he identified it as being his memorandum. The memorandum reads as follows:

> "Memorandum from Schacht to Hitler [identified by Schacht as Exhibit A, interrogation 16 October 1945, page 40] May 3, 1935.
>
> "Financing of Armament. The following explanations are based upon the thought, that the accomplishment of the armament program with speed and in quantity is *the* problem of German politics, that everything else therefore should be subordinated to this purpose as long as the main purpose is not imperiled by neglecting all other questions. Even after March 16, 1935, the difficulty remains that one cannot undertake the open propagandistic treatment of the German people for support of armament without endangering our po-

sition internationally (without loss to our foreign trade). The already nearly impossible financing of the armament program is rendered hereby exceptionally difficult.

"Another supposition must be also emphasized. The printing press can be used only for the financing of armament to such a degree, as permitted by maintaining of the money value. Every inflation increases the prices of foreign raw materials and increases the domestic prices, is therefore like a snail biting its own tail. The circumstance that our armament had to be camouflaged completely till March 16, 1935, and even since this date the camouflage had to be continued to a larger extent, making it necessary to use the printing press (bank note press) already at the beginning of the whole armament program, while it would have been natural, to start it (the printing press) at the final point of financing. In the portefeuille of the Reichsbank are segregated notes for this purpose, that is, armament, of 3,775 millions and 866 millions, altogether 4,641 millions, out of which the armament notes amount to Reichsmarks 2,374 millions, that is, of April 30, 1935. The Reichsbank has invested the amount of marks under its jurisdiction, but belonging to foreigners in blank notes of armament. Our armaments are also financed partly with the credits of our political opponents. Furthermore, 500 million Reichsmarks were used for financing of armament, which originated out of [*Reichsanleihe*], the federal loans, placed with savings banks. In the regular budget, the following amounts were provided. For the budget period 1933-34, Reichsmarks 750 millions; for the budget period 1934-35, Reichsmarks 1,100 millions; and for the budget period 1935-36, Reichsmarks 2,500 millions.

"The amount of deficits of the budget since 1928 increases after the budget 1935-36 to 5 to 6 millions Reichsmarks. This total deficit is already financed at the present time by short term credits of the money market. It therefore reduces in advance the possibilities of utilization of the public market for the armament. The Minister of Finance [*Reichsfinanzminister*], correctly points out at the defense of the budget: As a permanent yearly deficit is an impossibility, as we cannot figure with security with increased tax revenues in amount balancing the deficit and any other previous debits, as on the other hand a balanced budget is the only secure basis for the impending great task of military policy. For all these reasons we have to put in motion a fundamental and conscious budget policy which solves the problem of armament financing by organic and planned reduction of other expenditures not only from the point of receipt, but also from the point of expenditure, that is, by saving.

"How urgent this question is, can be deduced from the following, that a large amount of task has been started by the state and party and which is now in process, all of which are not covered by the budget, but from contributions and credits, which have to be raised by industry in addition to the regular taxes.

"The existing of various budgets side by side, which serve more or less public tasks, is the greatest impediment for gaining a clear view over the possibilities of financing the armaments. A whole number of ministries and various branches of the party have their own budgets, and for this reason have possibilities of incomes and expenses, though based on the sovereignty of finance of the state, but not subject to the control of the Minister of Finance and therefore also not subject to the control of the cabinet. Just as in the sphere of politics the much too far-reaching delegation of legislative powers to individuals brought about various states within the states, exactly in the same way the condition of various branches of state and party, working side by side and against each other, has a devastating effect on the possibility of financing. If on this territory concentration and unified control is not introduced very soon, the solution of the already impossible task of armament financing is endangered.

"We have the following tasks:

"(1) A deputy is entrusted with finding all sources and revenues, which have its origin in contributions to the federal government, to the state and party and in profits of public and party enterprises.

"(2) Furthermore experts, entrusted by the Fuehrer, have to examine how these amounts were used and which of these amounts can in the future be withdrawn from their previous purpose.

"(3) The same experts have to examine the investments of all public and party organizations, to which extent this property can be used for the purpose of armament financing.

"(4) The federal Ministry of Finance is to be entrusted to examine the possibilities of increased revenues by way of new taxes or increasing of existing taxes.

"The up-to-date financing of armaments by the Reichsbank

> under existing political conditions was a necessity and the political success proved the correctness of this action. The other possibilities of armament financing have to be started now under any circumstances. For this purpose all absolutely non-essential expenditures for other purposes must not take place and the total financial strength of Germany, limited as it is, has to be concentrated for the one purpose of armament financing. Whether the problem of financing, as outlined in this program, succeeds, remains to be seen, but without such concentration, it will fail with absolute certainty." (*1168-PS*)

C. *Renunciation of Armament Provisions of Versailles Treaty.*

21 May 1935 was a very important date in the Nazi calendar. It was on that date that the Nazis passed the secret Reich Defense Law (*2261-PS*). The secrecy of their armament operations had already reached the point beyond which they could no longer maintain successful camouflage. Since their program called for still further expansion, they unilaterally renounced the armament provisions of the Versailles Treaty on the same date, 21 May 1935. Hitler's speech to the Reichstag on that day (*2288-PS*) was published in *"Voelkischer Beobachter"* under the heading "The Fuehrer Notifies the World of the Way to Real Peace."

Hitler declared:

> "1. The German Reich Government refuses to adhere to the Geneva Resolution of 17 May.
>
> "The Treaty of Versailles was not broken by Germany unilaterally, but the well-known paragraphs of the dictate of Versailles were violated, and consequently invalidated, by those powers who could not make up their minds to follow the disarmament requested of Germany with their own disarmament as agreed upon by Treaty.
>
> "2. Because the other powers did not live up to their obligations under the disarmament program, the Government of the German Reich no longer considers itself bound to those articles, which are nothing but a discrimination against the German nation for an unlimited period of time, since, through them, Germany is being nailed down in a unilateral manner contrary to the spirit of the agreement." (*2288-PS*)

In conjunction with other phases of planning and preparation for aggressive war, there were various programs for direct and indirect training of a military nature. They included not only the training of military personnel, but also the establishment and training of other military organizations, such as the Police Force, which could be and were absorbed by the Army. The extent of this program for military training is indicated by Hitler's boast of the expenditure of ninety billion Reichsmarks during the period 1933 to 1939, in the building up of the armed forces.

In a speech by Adolf Hitler delivered on 1 September, 1939, (*2322–PS*), which was published in the "*Voelkischer Beobachter*" under the heading "The Fuehrer announces the Battle for the Justice and Security of the Reich", the following passage occurred:

> "For more than six years now, I have been engaged in building up the German Armed Forces. During this period more than ninety billion Reichsmarks were spent building up the *Wehrmacht.* Today, ours are the best-equipped armed forces in the world, and they are superior to those of 1914. My confidence in them can never be shaken." (*2322–PS*)

The secret nature of this training program and the fact of its early development is illustrated by a report to Hess, in 1932, concerning the secret training of flying personnel, as well as the early plans to build a military air force (*1143–PS*). This report was sent in a letter from Schickedantz to Rosenberg, for delivery to Hess. Apparently Schickedantz was very anxious that no one but Hess should get this letter, and therefore sent it to Rosenberg for personal delivery to Hess. The letter points out that the civilian pilots should be so organized as to enable their transfer into the military air force organization. The letter dated 20 October 1932, reads:

> "Dear Alfred [Rosenberg]: I am sending you enclosed a communication from the RWM forwarded to me by our confidential man *(Vertrauensmann)* which indeed is very interesting. I believe we will have to take some steps so that the matter will not be procured secretly for the Stahlhelm. This report is not known to anybody else. I intentionally did not inform even our tall friend." [Rosenberg, in an interrogation on 5 October 1945, identified this "tall friend" as being Von Albensleben.] "I am enclosing an additional copy for Hess, and ask you to transmit the letter to Hess by messenger, as I do not want to write a letter to Hess for fear that it might be read somewhere. *Mit bestem Gruss,* Yours Amo." (*1143–PS*)

Enclosed in the report is:

"Air Force Organization"

"Purpose: Preparation of material and training of personnel to provide for the case of the armament of the air force.

"Entire management as a civilian organization will be transferred to Col. Von Willberg, at present commander of Breslau, who, retaining his position in the Reichwehr, is going on leave of absence.

"(a) Organizing the pilots of civilian air lines in such a way as to enable their transfer to the air force organization.

"(b) Prospects to train crews for military flying. Training to be done within the organization for military flying of the Stahlhelm [steel helmet] which is being turned over to Col. Hanel, retired.

"All existing organizations for sport flying are to be used for military flying. Directions on kinds and tasks of military flying will be issued by this Stahlhelm directorate. The Stahlhelm organization will pay the military pilots 50 marks per hour flight. These are due to the owner of the plane in case he himself carries out the flight. They are to be divided in case of non-owners of the plane, between flight organization, proprietor and crew in the proportion of 10:20:20. Military flying is now paid better than flying for advertisement (40). We therefore have to expect that most proprietors of planes or flying associations will go over to the Stahlhelm organization. It must be achieved that equal conditions will be granted by the RWM, also the NSDAP organization." (*1143–PS*)

D. *Secret Rearmament*

The program of rearmament and the objectives of circumventing and breaching the Versailles Treaty are forcefully shown by a number of Navy documents, showing the participation and cooperation of the German navy in this rearmament program which was secret at first. When it was deemed safe to say so, the Navy openly acknowledged that it had always been its objective to break the Versailles Treaty.

In 1937 the Navy High Command (OKM) published a secret book entitled, "The Fight of the Navy Against Versailles, 1919 to 1935", written by Sea Captain Schussler (*C–156*). The preface refers to the fight of the navy against the unbearable regulations of the peace treaty of Versailles. The table of contents includes a variety of navy activities, such as saving of coastal guns from destruction as required by Versailles; independent armament measures behind the back of the government and behind the back of the legislative bodies; resurrection of the U-boat arm; economic rearmament; and camouflaged rearmament from 1933 to the freedom from the restrictions in 1935. (*C–156*)

This book points out the significant effect of seizure of power by the Nazis in 1933 on increasing the size and determining the nature of the rearmament program. It also refers to the far-reaching independence in the building and development of the navy, which was only hampered insofar as concealment of rearmament had to considered in compliance with the Versailles Treaty (*C–156*). With the restoration of what was called the military sovereignty of the Reich in 1935—the reoccupation of the demilitarized zone of the Rhineland—the external camouflage of rearmament was eliminated.

This book of the German navy bears the symbol of the Nazi Party, the Swastika, in the spread eagle on the cover sheet, and it is headed "secret", underscored (*C–156*). Raeder has identified this book in an interrogation and explained that the Navy tried to fulfill the letter of the Versailles Treaty and at the same time to make progress in naval development. The following are pertinent extracts from the book:

> "The object and aim of this memorandum under the heading 'Preface', is to draw a technically reliable picture based on documentary records and the evidence of those who took part in the fight of the Navy against the unbearable regulations of the peace treaty of Versailles. It shows that the Reich navy after the liberating activities of the Free Corps and of Scapa Flow did not rest, but found ways and means to lay with unquenchable enthusiasm, in addition to the building up of the 15,000-man navy, the basis for a greater development in the future, and so create by work of soldiers and technicians the primary condition for a later rearmament. It must also distinguish more clearly the services of these men, who, without being known in wide circles, applied themselves with extraordinary zeal in responsibility in the service of the fight against the peace treaty; thereby stimulated by the highest feeling of duty, they risked, particularly in the early days of their fight, themselves and their position unrestrainedly in the partially self-ordained task. This compilation makes it clearer, however, that even such ideal and ambitious plans can be realized only to a small degree if the concentrated and united strength of the whole people is not behind the courageous activity of the soldier. Only when the Fuehrer had created the second and even more important condition for an effective rearmament in the coordination of the whole nation and in the fusion of the political, financial and spiritual power, could the work of the soldier find its fulfillment. The framework of this peace treaty, the

> most shameful known in world history, collapsed under the driving power of this united will. [signed] The Compiler". (*C–156*)

The summary of the contents indicated in the chapter titles is significant:

> "I. First, defensive action against the execution of the Treaty of Versailles (from the end of the war to the occupation of the Ruhr, 1923).
>
> "1. Saving of coastal guns from destruction to removal of artillery equipment and ammunition, hand and machine weapons. * * *
>
> "3. Limitation of destruction in Heligoland.
>
> "II. Independent armament measures behind the back of the Reich Government and of the legislative body (from 1923 to the Lomann case in 1927).
>
> "1. An attempt to increase the personnel strength of the Reich Navy.
>
> "2. Contributing to the strengthening of patriotism among the people.
>
> "3. Activities of Captain Lohmann.
>
> "4. Preparation for the resurrection of the German U-boat arm.
>
> "5. Building up of the air force.
>
> "6. Attempt to strengthen our mine arm *(Die Mine)*.
>
> "7. Economic rearmament.
>
> "8. Miscellaneous measures.
>
> "a. The Aerogeodetic, and;
>
> "b. Secret evidence.
>
> "III. Planned armament work countenance by the Reich government but behind the back of the legislative body from 1927 to the seizure of power, 1933.
>
> "IV. Rearmament under the leadership of the Reich Government in camouflage (from 1933 to the freedom from restrictions, 1935)." (*C–156*)

The following is a passage from Chapter IV:

> "The unification of the whole nation which was combined with the taking over of power on 30 January 1933 was of the decisive influence on the size and shape of further rearmament.
>
> "While the second chamber, *Reichsrat,* approached its dissolution and withdrew as a legislative body, the *Reichstag* assumed a composition which could only take a one-sided

attitude toward the rearmament of the armed forces. The government took over the management of the rearmament program upon this foundation.

"Development of the Armed Forces."
"This taking over of the management by the Reich Government developed for the armed forces in such a manner that the War Minister, General von Blomberg, and through him the three branches of the armed forces, received far-reaching powers from the Reich Cabinet for the development of the armed forces. The whole organization of the Reich was included in this way. In view of these powers the collaboration of the former inspecting body in the management of the secret expenditure was from then on dispensed with. There remained only the inspecting duty of the accounting office of the German Reich.

"Independence of the Commander in Chief of the Navy"
"The commander-in-chief of the Navy, Admiral Raeder, honorary doctor, had received the help of a far-reaching independence in the building and development of the navy. This was only hampered insofar as the previous concealment of rearmament had to be continued in consideration of the Versailles Treaty. Besides the public budget there remained the previous special budget, which was greatly increased in view of the considerable credit for the provision of labor, which was made available by the Reich. Wide powers in the handling of these credits were given to the Director of the Budget Department of the navy, up to 1934 Commodore Schussler, afterwards Commodore Foerster. These took into consideration the increased responsibility of the Chief of the Budget.

"Declaration of Military Freedom"
"When the Fuehrer, relying upon the strength of the armed forces executed in the meanwhile, announced the restoration of the military sovereignty of the German Reich, the last-mentioned limitation on rearmament works namely, the external camouflage, was eliminated. Freed from all the shackles which have hampered our ability to move freely on and under water, on land and in the air for one and a half decades, and carried by the newly-awakened fighting spirit of the whole nation, the armed forces, and as part of it, the navy, can lead with full strength towards its completion the rearmament already under way with the goal of securing for the Reich its rightful position in the world." (*C–156*)

An interrogation of Raeder concerning this book went as follows:

"Q. I have here a document, *C–156,* which is a photostatic copy of the work prepared by the High Command of the Navy, and covers the struggle of the Navy against the Versailles Treaty from 1919 to 1935. I ask you initially whether you are familiar with the work?

"A. I know this book. I read it once when it was edited.

"Q. Was that an official publication of the Germany navy?

"A. This Captain Schuessler, indicated there, was Commander in the Admiralty. Published by the OKM, which was an idea of these officers to put all these things together.

"Q. Do you recall the circumstances under which the authorization to prepare such a work was given to him?

"A. I think he told me that he would write such a book as he told us here in the foreword.

"Q. In the preparation of this work he had access to the official naval files, and based his work on the items contained therein?

"A. Yes, I think so. He would have spoken with other persons, and he would have had the files, which were necessary.

"Q. Do you know whether before the work was published, a draft of it was circulated among the officers in the Admiralty for comment?

"A. No, I don't think so. Not before it was published. I saw it only when it was published.

"Q. Was it circulated freely after its publication?

"A. It was a secret object. I think the upper commands in the Navy had knowledge of it.

"Q. It was not circulated outside of the naval circles?

"A. No.

"Q. What then is your opinion concerning the comments contained in the work regarding the circumventing of the provisions of the Versailles Treaty?

"A. I don't remember very exactly what is in here. I can only remember that the Navy had always the object to fulfill the word of the Versailles Treaty, but wanted to have some advantages. But the flying men were exercised one year before they went into the Navy. Quite young men. So that the word of the Treaty of Versailles was filled. They didn't belong to the Navy, as long as they were exercised in flying, and the submarines were developed but not in Germany, and not in the Navy, but in Holland. There was a civil bureau, and in Spain there was an Industrialist; in Finland, too, and

> they were built much later when we began to act with the English government about the Treaty of thirty-five to one-hundred, because we could see that then the Treaty of Versailles would be destroyed by such a treaty with England, and so in order to keep the word of Versailles, we tried to fulfill the word of Versailles, but tried to have advantages.
>
> "Q. Would the fair statement be that the Navy High Command was interested in avoiding the limited provisions of the Treaty of Versailles regarding the personnel and limits of armaments, but would it attempt to fulfill the letter of the treaty, although actually avoiding it?
>
> "A. That was their endeavor".

Raeder had his explanations:

> "Q. Why was such a policy adopted?
>
> "A. We were much menaced in the first years after the first war by danger that the Poles would attack East Prussia and so we tried to strengthen a little our very,very weak forces in this way, and so all our efforts were directed to the aim to have a little more strength against the Poles, if they would attack us; it was nonsense to them of attacking the Poles in this state, and for the Navy a second aim was to have some defense against the entering of French forces into the Ostsee, or East Sea, because we knew the French had intentions to sustain the Poles from ships that came into the Ostsee Goettinger, and so the Navy was a defense against the attack by the Poles, and against the entrance of French shipping into an Eastern Sea. Quite defensive aims.
>
> "Q. When did the fear of attack from Poles first show itself in official circles in Germany would you say?
>
> "A. When the first years they took Wilma. In the same minute we thought that they would come to East Prussia. I don't know exactly the year, because those judgments were the judgments of the German government ministers, of the Army and Navy Ministers, Groner and Noske.
>
> "Q. Then those views in your opinion were generally held existing perhaps as early as 1919 or 1920, after the end of the First World War?
>
> "A. Oh, but the whole situation was very, very uncertain, and about those years in the beginning, I can not give you a very exact thing, because I was then two years in the Navy archives to write a book about the war, and how the cruisers fought in the first war. Two years, so I was not with these things."

The same kind of aims and purposes are reflected in the table of contents of a history of the German Navy, 1919 to 1939, found in captured official files of the German Navy (*C–17*). Although a copy of the book itself has not been found, the project was written by Oberst Scherff, Hitler's special military historian. The table of contents however, is available. It refers by numbers to groups of documents and notes in the documents, which evidently were intended as working material for the basis of the chapters to be written in accordance with the table of contents. The title of this table of contents fairly establishes the navy planning and preparations that were to get the Versailles Treaty out of the way, and to rebuild the navy strength necessary for war. Some of the headings in the table of contents read:

> "Part A (1919—The year of Transition.)
> "Chapter VII.
> First efforts to circumvent the Versailles Treaty and to limit its effects.
> "Demilitarization of the Administration, incorporation of naval offices in civil ministries, etc. Incorporation of greater sections of the German maritime observation station and the sea-mark system in Heligoland and Kiel, of the Ems-Jade-Canal, etc. into the Reich Transport Ministry up to 1934;
> "Noskos' proposal of 11.8.1919 to incorporate the Naval Construction Department in the Technical High School, Berlin;
> "Formation of the "Naval Arsenal Kiel".
> "(b) The saving from destruction of coastal fortifications and guns.
> "1. North Sea. Strengthening of fortifications with new batteries and modern guns between the signing and the taking effect of the Versailles Treaty; dealings with the Control Commission—information, drawings, visits of inspection, result of efforts."
>
> * * * * * * *
>
> "2. Baltic. Taking over by the Navy of fortresses Pilau and Swinemunde;
> "Salvage for the Army of one-hundred and eighty-five movable guns and mortars there.
> "3. The beginnings of coastal air defense.
>
> "*Part B (1920–1924. The Organizational New Order)*
> Chapter V.
> "*The Navy*
> "*Fulfillment and avoidance of the Versailles Treaty*
> "*Foreign Countries*

"(a) *The inter-allied Control Commissions*

"(b) *Defense measures against the fulfillment of the Versailles Treaty and independent arming behind the back of the Reich Government and the legislative bodies.*

"1. Dispersal of artillery gear and munitions, of hand and automatic weapons.

"2. Limitation of demolition work in Heligoland.

"3. Attempt to strengthen personnel of the navy, from 1923.

"4. The activities of Captain Lohmann (founding of numerous associations at home and abroad, participations, formation of "sports" unions and clubs, interesting the film industry in naval recruitment).

"5. Preparation for re-establishing the German U-boat arm since 1920. (Projects and deliveries for Japan, Holland, Turkey, Argentine and Finland. Torpedo testing.)

"6. Participation in the preparation for building of the Luftwaffe (preservation of aerodromes, aircraft construction, teaching of courses, instruction of midshipmen in anti-air raid defense, training of pilots).

"7. Attempt to strengthen the mining branch.

Part C (1925–1932. Replacement of Tonnage) Chapter IV.

"The Navy, The Versailles Treaty, Foreign Countries.

"(a) *The activities of the Inter-allied Control Commissions (up to 31.1.27; discontinuance of the activity of the Naval Peace Commission)*

"Independent armament measures behind the back of the Reich Government and legislative bodies up to the Lohmann case.

"1. The activities of Captain Lohmann (continuation), their significance as a foundation for the rapid reconstruction work from 1935.

"2. Preparation for the re-strengthening of the German U-boat arm from 1925 (continuation), the merit of Lohmann in connection with the preparation for rapid construction in 1925, relationship to Spain, Argentine, Turkey: the first post war U-boat construction of the German Navy in Spain since 1927; 250 ton specimen in Finland, preparation for rapid assembly; electric torpedo; training of U-boat personnel abroad in Spain and Finland. Formation of U-boat school in 1932 disguised as an anti-U-boat school.

"3. Participation in the preparation for the reconstruction of the Luftwaffe (continuation). Preparations for a Naval Air Arm, Finance Aircraft Company Sevra, later Luftdienst

CMRH; Naval Flying School Warnemunde; Air Station List, training of sea cadet candidates, Military tactical questions "Air Defense Journeys", technical development, experimental station planning, trials, flying boat development DOX etc., catapult aircraft, arming, engines ground organization, aircraft torpedoes, the Deutschland Flight 1925 and the Seaplane Race 1926.

"4. Economic re-armament ("the Tebeg"—Technical Advice and Supply Company as a disguised Naval Office abroad for investigating the position of raw materials for industrial capacity and other War economic questions.)

"5. Various measures. (The NV Aerogeodetic Company—secret investigations.)

"(c) *Planned armament work with the tacit approval of the Reich government, but behind the backs of the legislative bodies* (1928 to the taking over of power.)

"1. The effect of the Lohmann case on the secret preparations; winding up of works which could not be advocated; resumption and carrying on of other work.

"2. Finance question. ("Black Funds" and the Special Budget).

"3. The Labor Committee and its objectives

"(d) *The Question of Marine Attaches* (The continuation under disguise; open re-appointment 1932-1933).

"(e) *The question of Disarmament of the Fleet abroad and in Germany* (The Geneva Disarmament Conference 1927; the London Naval Treaty of 1930; the Anglo-French-Italian Agreement 1931. The League of Nations Disarmament Conference 1932).

"*Part D (1933–1939. The Germany Navy during the Military Freedom Period)*

"I. National Socialism and the question of the Fleet and of prestige at sea.

"II. Incorporation of the navy in the National Socialist State."

"III. The Re-armament of the Navy under the Direction of the Reich Government in a Disguised Way." (*C–17*)

The policy development of the navy is also reflected from the financial side. The planned organization of the navy budget for armament measures was based on a co-ordination of military developments and political objectives. Military political development was accelerated after the withdrawal from the League of Nations. (*C–17*)

A captured document, entitled "*Chef der Marineleitung,* Berlin, 12 May 1934," and marked "Secret Commando Matter," discusses the "Armament Plan (A.P.) for the 3rd Armament Phase." (*C–153*). This document, which bears the facsimile signature of Raeder at the end, speaks of war tasks, war and operational plans, armament target, etc., and shows that it was distributed to many of the High Command of the Navy. Dated 12 May 1934, it shows that a primary objective was readiness for a war without any alert period. The following are pertinent extracts:

> * * * "The planned organization of armament measures is necessary for the realization of the target; this again requires a coordinated and planned expenditure in peace time. This organization of financial measures over a number of years according to the military viewpoint is found in the armament program and provides
>
> "*a.* for the *military leaders* a sound basis for their operational considerations and
>
> "*b.* for the political leaders a clear picture of what may be achieved with the military means available at a given time."

* * * * * * *

> "All theoretical and practical A-preparations are to be drawn up with a primary view to readiness for a war without any alert period." (*C–153*)

The conspiratorial nature of these Nazi plans and preparations long before the outbreak of hostilities is illustrated in many other ways. Thus, in 1934, Hitler instructed Raeder to keep secret the U-Boat construction program; also the actual displacement and speed of certain ships. Work on U-Boats had been going on, as already indicated, in Holland and Spain. The Nazi theory was ingenious in that respect. The Versailles Treaty forbade re-arming by the Germans in Germany, but the Nazis said it did not forbid them to re-arm in Holland, Spain, and Finland.

Secrecy was equally important then because of the pending naval negotiations with England. The subject was discussed in a conversation between Raeder and Adolf Hitler in June 1934. The record of that conversation (*C–189*) is not signed by Raeder, but in an interrogation on 8 November 1945, Raeder admitted that (*C–189*) was a record of this conversation, and that it was in his handwriting, though he did not sign his name at the end. The report is headed, "Conversation with the Fuehrer in June 1934 on the occasion of the resignation of the Commanding Officer of the *Karlsruhe.*" It reads:

> "1. Report by the C-in-C Navy concerning displacement of D. and E. (defensive weapons).

> "Fuehrer's instructions: No mention must be made of a displacement of 25-26,000 tons, but only of improved 10,000-ton (ships). Also, the speed over 26 nautical miles may be stated.
>
> "2. C-in-C Navy expresses the opinion that later on the Fleet must anyhow be developed to oppose England, that therefore from 1936 onwards, the large ships must be armed with 35 c.m. guns (Like the King George Class).
>
> "3. The Fuehrer demands to keep the construction of the U-Boats completely secret. Plebiscite also in consideration of the Saar." (*C–189*)

In order to continue the increase in navy strength, as planned, more funds were needed than the navy had available. Hitler therefore proposed to put funds of the Labor Front at the disposal of the navy. This appears from another Raeder memorandum of a conversation between Raeder with Hitler, on 2 November 1934 (*C–190*). This report, again, is not signed, but it was found in Raeder's personal file and seems clearly his memorandum. It is headed: "Conversation with the Fuehrer on 2.11.34 at the time of the announcement by the Commanding Officer of the "Emden". It reads:

> "1. When I mentioned that the total funds to be made available for the armed forces for 1935 would presumably represent only a fraction of the required sum, and that therefore it was possible that the navy might be hindered in its plans, he replied that he did not think the funds would be greatly decreased. He considered it necessary that the navy be speedily increased by 1938 with the deadlines mentioned. In case of need, he will get Dr. Ley to put 120-150 million from the Labor Front at the disposal of the navy, as the money would still benefit the workers. Later in a conversation with Minister Goering and myself, he went on to say that he considered it vital that the navy be increased as planned, as no war could be carried on if the navy was not able to safeguard the ore imports from Scandinavia.
>
> "2. Then, when I mentioned that it would be desirable to have six U-Boats assembled at the time of the critical situation in the first quarter of 1935, he stated that he would keep this point in mind, and tell me when the situation demanded that the assembling should commence." (*C–190*)

Then there is an asterisk and a note at the bottom:

> "The order was not sent out. The first boats were launched in the middle of June 35 according to plan." (*C–190*)

The development of the armament industry by the use of foreign markets was a program encouraged by the navy, so that this industry would be able to supply the requirements of the navy in case of need. A directive of Raeder, dated 31 January 1933, and classified "Secret Commando Matter," requires German industry to support the armament of the navy (*C–29*). It provides:

> *"TOP SECRET*
>
> *"General directions for support given by the German Navy to the German Armament Industry*
>
> "The effects of the present economic depression have led here and there to the conclusion that there are no prospects of an active participation of the German Armament Industry abroad, even if the Versailles terms are no longer kept. There is no profit in it and it is therefore not worth promoting. Furthermore, the view has been taken that the increasing "self-sufficiency" would in any case make such participation superfluous.
>
> "However obvious these opinions may seem, formed because of the situation as it is today, I am nevertheless forced to make the following contradictory corrective points:
>
> "*a.* The economic crisis and its present effects must perforce be overcome sooner or later. Though equality of rights in war politics is not fully recognized today, it will, by the assimilation of weapons, be achieved at some period, at least to a certain extent,
>
> "*b.* The consequent estimation of the duties of the German Armament Industry lies mainly in the *Military-political* sphere. It is impossible for this industry to satisfy, militarily and economically, the growing demands made of it by limiting the deliveries to our own armed forces. Its capacity must therefore be increased by the delivery of supplies to foreign countries over and above our own requirements.
>
> "*c.* Almost every country is working to the same end today, even those which, unlike Germany, are not tied down by restrictions. Britain, France, North America, Japan, and especially Italy are making supreme efforts to ensure markets for their armament industries. The use of their diplomatic representations, of the propaganda voyages of their most modern ships and vessels, of sending missions and also of the guaranteeing of loans and insurance against deficits are not merely to gain commercially advantageous orders for their armament industries, but first and foremost to expand their output from the point of view of military policy.
>
> "*d.* It is just when the efforts to do away with the restrictions imposed on us have succeeded, that the German Navy

> has an ever-increasing and really vital interest in furthering the German Armament Industry and preparing the way for it in every direction in the competitive battle against the rest of the world.
>
> "*e.* If, however the German Armament Industry is to be able to compete in foreign countries, it must inspire the *confidence* of its purchasers. The condition for this is that secrecy for our own ends be not carried too far. The amount of material to be kept secret under all circumstances in the interest of the defence of the country is comparatively small. I would like to issue a warning against the assumption that, at the present stage of technical development in foreign industrial states, a problem of vital military importance which we perhaps have solved, has not been solved there. Solutions arrived at today, which may become known, if divulged to a third person by naturally always possible indiscretion, have often been already superseded by new and better solutions on our part, even at that time or at any rate after the copy has been made. It is of greater importance that we should be technically well to the fore in any really fundamental matters, than that less important points should be kept secret unnecessarily and excessively.
>
> "*f.* To conclude: I attach particular importance to guaranteeing the continuous support of the industry concerned by the navy, even after the present restrictions have been relaxed. If the purchasers are not made confident that something special is being offered them, the industry will not be able to stand up to the competitive battle and therefore will not be able to supply the requirements of the German Navy in case of need." (*C–29*)

This surreptitious rearmament, in violation of treaty obligations, starting even before the Nazi came into power, is illustrated by a 1932 order of Raeder, chief of the naval command, addressed to the main naval command, regarding the concealed construction of torpedo tubes in E-Boats (*C–141*). He ordered that torpedo tubes be removed and stored in the naval arsenal but be kept ready for immediate refitting. By using only the number permitted under the Treaty, at a given time, and by storing them after satisfactory testing, the actual number of operationally effective E-Boats was constantly increased.

This German order for the concealed armament of E-Boats, issued by Raeder on 10 February 1932, provides:

> "In view of our treaty obligations and the Disarmament Conference steps must be taken to prevent the 1st E-Boat-

> Half-Flotilla, which in a few months will consist of exactly similar newly built (E)-Boats, from appearing openly as a formation of torpedo-carrying boats as it is not intended to count these E-Boats against the number of torpedo-carrying boats allowed us.
>
> "I therefore order:
>
> "1. S2-S5, will be commissioned in the shipyard Luerssen, Vegesack without armament, and will be fitted with easily removable cover-sheet-metal on the spaces necessary for torpedo-tubes. The same will be arranged by T.M.I. [Inspectorate of Torpedoes and Mining] in agreement with the naval arsenal, for the Boat 'S1' which will dismantle its torpedo-tubes, on completion of the practice shooting, for fitting on another boat.
>
> "2. The torpedo-tubes of all S-Boats will be stored in the naval arsenal ready for immediate fitting. During the trial runs the torpedo-tubes will be taken on board one after the other for a short time to be fitted and for practice shooting so that only one boat at a time carries torpedo armament. For public consumption this boat will be in service for the purpose of temporary trials by the T.V.A. [Technical Research Establishment].
>
> "It should not anchor together with the other, unarmed boats of the Half-Flotilla because of the obvious similarity of type. The duration of firing, and consequently the length of time the torpedo-tubes are aboard, is to be as short as possible.
>
> "3. Fitting the torpedo-tubes on all E-Boats is intended as soon as the situation of the political control allows it." (*C–141*)

Along similar lines the navy was also carrying on the concealed preparation of auxiliary cruisers, under the disguised designation of Transport Ships O. The preparations under this order were to be completed by 1 April 1935. At the very time of construction of these ships as commercial ships, plans were made for their conversion. This was the result of a Top Secret order from the command office of the navy, dated 12 March 1934, and signed in draft by Groos. This order bears the seal of the *Reichministerium, Marineleitung,* over the draft signature. It provides:

> "Subject: Preparation of Auxiliary Cruisers.
>
> "It is intended to include in the Establishment Organization 35 *(AG-Aufstellungsgliederung)* a certain number of auxiliary cruisers which are intended for use in operations on the high seas.

> "In order to disguise the intention and all the preparations the ships will be referred to as "Transport Ships O". It is requested that in future this designation only will be used.
>
> "The preparations are to be arranged so that they can be completed by 1.4.35." (*C–166*)

In the official navy files, notes were kept year by year, from 1927 to 1940, on the reconstruction of the German Navy. One of these notes discloses that the displacement of the battleship "*Scharnhorst-Gneisenau*" was actually greater than the tonnage which had been notified to the British under the treaty obligations:

> "The true displacement of the battleship '*Scharnhorst-Gneisenau*' *and* 'F/G' exceeds by 20 percent in both cases the displacement reported to the British." (*C–23*)

There is annexed to this document a table with reference to different ships, and two columns, headed "Displacement by Type"; one column reads "Actual Displacement," and the other, "Notified Displacement." The actual displacement of the "*Scharnhorst*" is thus shown to be 31,300 tons, although the notified displacement was only 26,000 tons. On the "F/G" actual was 41,700, while notified was 35,000. On the "HI", actual was 56,200 tons, while notified was 46,850. And so on down the list. (*C–23*)

In these notes there also occurs the statement,

> "In a clear cut program for the construction, the Fuehrer and Reich Chancellor has set the navy the task of carrying out the aims of his foreign policy." (*C–23*)

The German Navy constantly planned and committed violations of armament limitation, and with characteristic German thoroughness had prepared superficial pretexts to explain away these violations. Following a conference with the chief of "A" section [the military department of the Navy], an elaborate survey list was prepared and compiled, giving a careful list of the quantity and type of German naval armament and ammunition on hand under manufacture or construction (*C–32*). A statement of the justification or defense that might be used was included in those instances where the Versailles Treaty was violated or its allotment has been exceeded. The list contained 30 items under "Material Measures" and 14 items under "Measures of Organization." The variety of details covered necessarily involved several sources within the navy, which must have realized their significance.

This Top Secret document, which is headed "A Survey Report of German Naval Armament after Conference with Chief of "A" Section, dated 9 September 1933," contains three columns, one headed "Measure," one headed "Material Measures, Details," and the third headed "Remarks." The "Remarks" contain the pretext or justification for explaining away the violations of the treaty. The following are examples:

"1. Exceeding the permitted number of mines." Then figures are given. "Remarks: Further mines are in part ordered, in part being delivered." (*C–32*)

"Number 2. Continuous storing of guns from the North Sea area for Baltic artillery batteries." The remarks column reads, "Justification: Necessity for over-hauling. Cheaper repairs." (*C–32*)

"Number 6. Laying gun-platforms in the Kiel area." Remarks: "The offense over and above that in serial number 3 lies in the fact that all fortifications are forbidden in the Kiel area. This justification will make it less severe; pure defense measures." (*C–32*)

"Number 7. Exceeding the calibre permitted for coastal batteries." Remarks: "Possible justification is that, though the calibre is larger, the number of guns is less." (*C–32*)

"Number 8. Arming of mine-sweepers." Remarks: "The guns are taken from the fleet reserve stores, have been temporarily installed only for training purposes. All nations arm their mine-sweeping forces (equality of rights)." (*C–32*)

"Number 13. Exceeding the number of machine guns, et cetera, permitted." Remarks: "Can be made light of." (*C–32*)

"Number 18. Construction of U-boat parts." Remarks: "Difficult to detect. If necessary can be denied." (*C–32*)

"Number 20. Arming of fishing vessels." Remarks: "For warning shots. Make little of it." And so on throughout the list (*C–32*). This document must have been used as a guide for negotiators who were attending the Disarmament Conference, as to the position that they might take.

E. *Withdrawal From the Disarmament Conference and the League of Nations: Building of the Air Force.*

At this point, on 14th October 1933, Germany withdrew from the International Disarmament Conference and from the League of Nations. The Nazis took this opportunity to break away from the international negotiations and to take an aggressive position on an issue which would not be serious enough to provoke reprisal from other countries. At the same time, Germany attached so much importance to this action that it considered the possibility of the application of sanctions by other countries. In anticipation of the probable nature of such sanctions and the countries which might apply them, plans were made for armed resistance on land, at sea, and in the air. Military preparations were ordered in a directive from the Reichsminister for Defense (von Blomberg) to the head of the Army High Command (Fritsch), the head of the Navy High Command, (Raeder), and the Reichsminister for Air, (Goering) (*C–140*). This directive, dated 25 October 1933, 11 days after the withdrawal from the Disarmament Conference and the League of Nations, provides:

> "1. The enclosed directive gives the basis for preparation of the armed forces in the case of sanctions being applied against Germany.
>
> "2. I request the chiefs of the Army and Navy High Command and the Reichsminister for Air to carry out the preparations in accordance with the following points:
> "(*a*) Strictest secrecy. It is of the utmost importance that no facts become known to the outside world from which preparation for resistance against sanctions can be inferred or which is incompatible with Germany's existing obligations in the sphere of foreign policy regarding the demilitarized zone. If necessary, the preparations must take second place to this necessity." (*C–140*)

One of the immediate consequences of this action was that following the withdrawal from the League of Nations, Germany's armament program was still further increased. As it was ordered on 12 May, 1934:

> "5. Owing to the speed of military political development since Germany quitted Geneva and based on the progress of the army, the new A-Plan will only be drawn up for a period of two years. The third A phase lasts accordingly from 1.4.34 to 31.3.36." (*C–153)*

On 10 March 1935, Goering announced that Germany was building a military air force. At page 1830 of *Das Archiv* it is stated:

> "The Reich Minister for Aviation, General of the Airmen, Goering, in his talk with the special correspondent of the Daily Mail, Ward Price, expressed himself on the subject of the German Air Force.
>
> "General Goering said:
>
> "In the extension of our national defense [*Sicherheit*], it was necessary, as we repeatedly told the world, to take care of defense in the air. As far as that is concerned, I restricted myself to those measures absolutely necessary. The guiding line of my actions was, not the creation of an aggressive force which would threaten other nations, but merely the

> completion of a military aviation which would be strong enough to repel, at any time, attacks on Germany."
>
> * * * * * * *
>
> "In conclusion, the correspondent asked whether the German Air Force will be capable of repelling attacks on Germany. General Goering replied to that exactly as follows:
>
> "The German Air Force is just as passionately permeated with the will to defend the Fatherland to the last as it is convinced, on the other hand, that it will never be employed to threaten the peace of other nations." (*2292–PS*)

Since they had gone as far as they could on rearmament and the secret training of personnel, the next step necessary to the conspirators' program for aggressive war was a large-scale increase in military strength. This could no longer be done under disguise and camouflage, and would have to be known to the world. Accordingly, on 16 March 1935, there was promulgated a law for universal military service, in violation of Article 173 of the Versailles Treaty. That law appeared in the *Reichsgesetzblatt,* Title I, Vol. I, 1935, page 369. The text of the law itself provides:

> "In this spirit the German Reich Cabinet has today passed the following law:
>
> "Law for the Organization of the Armed Forces of March 16, 1935.
>
> "The Reich Cabinet has passed the following law which is herewith promulgated:
>
> "Section 1.
>
> "Service in the Armed Forces is based upon compulsory military duty.
>
> "Section 2.
>
> "In peace time, the German Army, including the police troops transferred to it, is organized into: 12 Corps and 36 Divisions.
>
> "Section 3.
>
> "The Reich Minister of War is charged with the duty of submitting immediately to the Reich Ministry detailed laws on compulsory military duty." (*1654–PS*)

The law is signed first by the Fuehrer and Reich Chancellor Adolf Hitler, and then by many other officials, including von Neurath, Frick, Schacht, Goering, Hess, and Frank. (*1654–PS*)

F. *Assurances.*

As a part of their program to weaken resistance in other states, the Nazis followed a policy of making false assurances, thereby tending to create confusion and a false sense of security. Thus, on 21 May 1935, the same date on which Germany renounced the armament provisions of the Versailles Treaty, Hitler announced the intent of the German Government to respect the territorial limitations of the Versailles and Locarno Treaties. In his speech in the Reichstag on that date Hitler stated:

> "Therefore, the Government of the German Reich shall absolutely respect all other articles pertaining to the cooperation [*zasammenleben*] of the various nations including territorial agreements; revisions which will be unavoidable as time goes by it will carry out by way of a friendly understanding only.
>
> "The Government of the German Reich has the intention not to sign any treaty which it believes not to be able to fulfill. However, it will live up to every treaty signed voluntarily even if it was composed before this government took over. Therefore, it will in particular adhere to all the allegations under the Locarno Pact as long as the other partners of the pact also adhere to it." (*2288–PS*)

For convenient reference, the territorial limitations in the Locarno and Versailles Treaties, include the following:

Article 1 of the Rhine Pact of Locarno, 16 October 1925, provides:

> "The High Contracting parties, collectively and severally, guarantee, in the manner provided in the following Articles: the maintenance of the territorial status quo, resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers, as fixed by, or in pursuance of the Treaty of Peace, signed at Versailles, on June 28, 1919, and also the observance of the stipulation of Articles 42 and 43 of the said Treaty, concerning the demilitarized zone."

That has reference, of course, to the demilitarized zone of the Rhineland.

Article 42 of the Versailles Treaty, 28 June 1919, provides:

> "Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank, to the west of the line drawn 50 kilometers to the east of the Rhine."

Article 43 provides:

> "In the area defined above, the maintenance and the assembly of armed forces, either permanently or temporarily and military maneuvers of any kind, as well as the upkeep of all

> permanent works for mobilization, are in the same way forbidden."

G. *Reoccupation of the Rhineland.*

The demilitarized zone of the Rhineland was a sore spot with the Nazis ever since its establishment after World War I. Not only was this a blow to their increasing pride, but it was a bar to any effective strong position which Germany might want to take on any vital issues. In the event of any sanctions against Germany, in the form of military action, the French and other powers would get well into Germany east of the Rhine, before any German resistance could even be put up. Therefore, any German plans to threaten or breach international obligations, or for any kind of aggression, required the preliminary reoccupation and refortification of this open Rhineland territory. Plans and preparations for the reoccupation of the Rhineland started very early.

A document apparently signed in the handwriting of von Blomberg, deals with what is called "Operation *Schulung*", meaning schooling or training (*C–139*). It is dated 2 May 1935 and refers to prior staff discussions on the subject. It is addressed to the Chief of the Army Command, who at that time was Fritsch; the Chief of the Navy High Command (Raeder); and the Reich Minister for Air (Goering). The document does not use the name "Rhineland" and does not, in terms, refer to it. It seems clear, however, that it was a plan for the military reoccupation of the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno. The first part, headed "Secret Document," provides:

> "For the operation, suggested in the last staff talks of the Armed Forces, I lay down the *Code name Schulung* [training].
>
> "The supreme direction of the operation '*Schulung*' rests with the Reich Minister of Defense as this is a joint undertaking of the three services.
>
> "Preparations for the operation will begin forthwith according to the following directives:
>
> "1. General.
>
> "1. The operation must, on issue of the code word 'Carry out *Schulung*,' be executed by a surprise blow at lightning speed. *Strictest* secrecy is necessary in the preparations and only the very smallest number of officers should be informed and employed in the drafting of reports, drawings, etc., and these officers only in person.

> "2. There is no time for mobilization of the forces taking part. These will be employed in their peace-time strength and with their peace-time equipment.
>
> "3. The preparation for the operation will be made without regard to the present inadequate state of our armaments. Every improvement of the state of our armaments will make possible a greater measure of preparedness and thus result in better prospects of success." (*C–139*)

The rest of the order deals with military details. There are certain points in this order which are inconsistent with any theory that it was merely a training order, or that it might have been defensive in nature. The operation was to be carried out as a surprise blow at lightning speed. The air forces were to provide support for the attack. There was to be reinforcement by the East Prussian division. Furthermore, since this order is dated 2 May 1935, which is about 6 weeks after the promulgation of the Conscription Law of 16 March 1935, it could hardly have been planned as a defensive measure against any expected sanctions which might have been applied by reason of the passage of the Conscription Law.

The actual reoccupation of the Rhineland did not take place until 7 March, 1936, and this early plan (*C–139*) necessarily underwent revision to suit changed conditions and specific objectives. That the details of this particular plan were not ultimately the ones that were carried out in reoccupying the Rhineland does not detract from the fact that as early as 2 May 1935, the Germans had already planned that operation, not merely as a staff plan but as a definite operation. It was evidently not on their timetable to carry out the operation so soon, if it could be avoided. But they were prepared to do so if necessary.

It is significant to note the date of this order is the same as the date of the signing of the Franco-Russian Pact, which the Nazis later asserted as their excuse for the Rhineland reoccupation.

The military orders on the basis of which the Rhineland reoccupation was actually carried into execution on 7 March 1936, were issued on 2 March 1936 by the War Minister and Commander-in-Chief of the Armed Forces, von Blomberg. They were addressed to the Commander-in-Chief of the Army (Fritsch), the Commander-in-Chief of the Navy (Raeder), and the Air Minister and C-in-C of the Air Force (Goering) (*C–159*). That order, classified "Top Secret", in the original bears Raeder's initial in green pencil, with a red pencil note, "To be submitted to the C-in-C of the Navy".

The first part of the Order reads:

> "Supreme Command of the Navy:
>
> "1. The Fuehrer and Reich Chancellor has made the following decision:
>
> "By reason of the Franco-Russian alliance, the obligations accepted by Germany in the Locarno Treaty, as far as they apply to Articles 42 and 43 of the Treaty of Versailles, which referred to the demilitarized zone, are to be regarded as obsolete.
>
> "2. Sections of the army and air force will therefore be transferred simultaneously in a surprise move to garrisons of the demilitarized zone. In this connection, I issue the following orders: * * *" (*C–159*)

There follow detailed orders for the military operation.

The order for Naval cooperation was issued on 6 March 1936, in the form of an order on behalf of the Reich Minister for War, von Blomberg, signed by Keitel, and addressed to the Commander-in-Chief of the Navy (Raeder) (*C–194*). The order set out detailed instructions for the Commander-in-Chief of the Fleet and the admirals commanding the Baltic and North Sea. The short covering letter is as follows:

> "To: C-in-C Navy:
>
> "The Minister has decided the following after the meeting:
>
> "1. The inconspicuous air reconnaissance in the German bay, not over the line Texel-Doggerbank, from midday on Z-Day onward, has been approved. C-in-C air force will instruct the air command VI from midday 7 March to hold in readiness single reconnaissance aircraft to be at the disposal of the C-in-C fleet.
>
> "2. The Minister will reserve the decision to set up a U-Boat reconnaissance on line, until the evening of 7 March. The immediate transfer of U-Boats from Kiel to Wilhelmshaven has been approved.
>
> "3. The proposed advance measures for the most part exceed Degree of Emergency A and therefore are out of the question as the first counter-measures to be taken against military preparations of neighboring states. It is far more essential to examine the advance measures included in Degree of Emergency A, to see whether one or other of the especially conspicuous measures could not be omitted." (*C–194*)

The re-occupation and fortification of the Rhineland was carried out on 7 March 1936. For the historical emphasis of this occasion, Hitler made a momentous speech on the same day, in which he declared:

> "Men of the German Reichstag! France has replied to the repeated friendly offers and peaceful assurances made by Germany by infringing the Reich pact through a military alliance with the Soviet Union exclusively directed against Germany. In this manner, however, the Locarno Rhine Pact has lost its inner meaning and ceased in practice to exist. Consequently, Germany regards herself, for her part, as no longer bound by this dissolved treaty. The German government are now constrained to face the new situation created by this alliance, a situation which is rendered more acute by the fact that the Franco-Soviet treaty has been supplemented by a Treaty of Alliance between Czechoslovakia and the Soviet Union exactly parallel in form. In accordance with the fundamental right of a nation to secure its frontiers and ensure its possibilities of defense, the German government have today restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland." (*2289-PS*)

The German reoccupation of the demilitarized zone of the Rhineland caused extensive international repercussions. As a result of the protests lodged with the League of Nations, the Council of the League made an investigation and announced the following finding, which is published in the League of Nations monthly summary, March, 1936, Volume 16, Page 78. [It is also quoted in the *American Journal of International Law,* page 487 (1936)]:

> "That the German government has committed a breach of Article 43 of the Treaty of Versailles, by causing on March 7, 1936, military forces to enter and establish themselves in the demilitarized zone, referred to in Article 42 and the following articles of that Treaty, and in the Treaty of Locarno. At the same time, on March 7, 1936, the Germans reoccupied the Rhineland in flagrant violation of the Versailles and Locarno Treaties. They again tried to allay the fears of other European powers and lead them into a false sense of security by announcing to the world 'we have no territorial demands to make in Europe.' "

The last phrase occurred in Hitler's speech on 7 March 1936:

> "We have no territorial claims to make in Europe. We know above all that all the tensions resulting either from false territorial settlements or from the disproportion of the numbers of inhabitants to their living space cannot, in Europe, be solved by war." (*2289-PS*)

The existence of prior plans and preparations for the re-occupation and fortification of the Rhineland is indisputable. The method and sequence of these plans and their accomplishments are clearly indicative of the increasingly aggressive character of the Nazi objectives, international obligations and considerations of humanity notwithstanding.

The Nazi conspirators were determined, as these documents have shown, to use whatever means were necessary to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany. In this process, they conspired and engaged in secret armament and training, the secret production of munitions of war, and they built up an air force. They withdrew from the International Disarmament Conference and the League of Nations on 14 October 1933. They instituted universal military service on 16 March 1935. On 21 May 1935 they falsely announced that they would respect the territorial limitations of Versailles and Locarno. On March 7 1936 they reoccupied and fortified the Rhineland and at the same time, falsely announced that they had no territorial demands in Europe.

The accomplishment of all these objectives, particularly the repudiation of the Versailles Treaty restrictions, opened the gates for the numerous aggressions which were to follow.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO PREPARATION FOR AGGRESSION: 1933-1936

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
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*789–PS	Speech of the Fuehrer at a conference, 23 November 1939, to which all Supreme Commanders were ordered. (USA 23)	III	572
*1143–PS	Letter from Schickendanz to Rosenberg, 20 October 1932, for personal transmission to Hess concerning organization of Air Force. (USA 40)	III	806
*1168–PS	Unsigned Schacht memorandum to Hitler, 3 May 1935, concerning the financing of the armament program. (USA 37)	III	827
*1639–A–PS	Mobilization book for the Civil Administration, 1939 Edition, issued over signature of Keitel. (USA 777)	IV	143
**1654–PS	Law of 16 March 1935 reintroducing universal military conscription. 1935 Reichsgesetzblatt, Part I, p. 369. (Referred to but not offered in evidence)	IV	163
*2194–PS	Top secret letter from Ministry for Economy and Labor, Saxony, to Reich Protector in Bohemia and Moravia, enclosing copy of 1938		

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*2288–PS	Adolf Hitler's speech before the Reichstag, published in Voelkischer Beobachter, Southern Germany Special Edition, No. 142a, 22 May 1935. (USA 38).........	IV	993
*2289–PS	Hitler's speech in the Reichstag, 7 March 1936, published in Voelkischer Beobachter, Berlin Edition, No. 68, 8 March 1936. (USA 56)...........................	IV	994
*2292–PS	Interview of Goering by representative of London Daily Mail, concerning the German Air Force, from German report in The Archive, March 1935, p. 1830. (USA 52)...........................	IV	995
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*2353–PS	Extracts from General Thomas' Basic Facts for History of German War and Armament Economy. (USA 35)......................	IV	1071
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*C-141	Order for concealed armament of E-boats, 10 February 1932, signed by Raeder. (USA 47)	VI	955
*C-153	Naval Armament Plan for the 3rd Armament Phase, signed by Raeder, 12 May 1934. (USA 43)	VI	967
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3. AGGRESSION AGAINST AUSTRIA

A. *The Events Leading up to the Autumn of 1937 and the Strategic Position of the National Socialists in Austria.*

(1) The National Socialist Aim of Absorption of Austria. In order to understand more clearly how the Nazi conspirators proceeded after the meeting in the Reichschancellery on 5 November 1937, at which Hitler laid plans for the conquest of Austria and Czechoslovakia *(386-PS)*, it is advisable to review the steps which had already been taken in Austria by the National Socialists of both Germany and Austria. The position which the Nazis had reached by the Fall of 1937 made it possible for them to complete their absorption of Austria much sooner and with less cost than was contemplated in this meeting.

The acquisition of Austria had long been a central aim of the German National Socialists. On the first page of *Mein Kampf*, Hitler had written, "German-Austria must return to the great German mother-land." He continued by stating that this purpose, of having common blood in a common Reich, could not be satisfied by a mere economic union. This aim was regarded as a serious program which the Nazis were determined to carry out.

This fact is borne out by an affidavit executed in Mexico City on 28 August 1945 by George S. Messersmith, United States Ambassador in Mexico City *(1760-PS)*. Mr. Messersmith was Consul General of the United States of America in Berlin from 1930 to the late Spring of 1934. He was then made American Minister in Vienna, where he stayed until 1937. In this affidavit he states that the nature of his work brought him into frequent contact with German Government officials, many of whom were, on most occasions, amazingly frank in their conversations, and made no concealment of their aims.

In particular, Mr. Messersmith states that he had contact with the following twenty governmental officials, among others: Hermann Goering, General Milch, Hjalmar Schacht, Hans Frank, Wilhelm Frick, Count Schwerin von Krosigk, Josef Goebbels, Richard Walter Darré, Robert Ley, Hans Heinrich Lammers, Otto Meissner, Franz von Papen, Walter Funk, General Wilhelm Keitel, Admiral Erich von Raeder, Admiral Karl Doenitz, Dr. Behle, Dr. Stuckart, Gustav Krupp von Bohlen, and Dr. Davidson. Mr. Messersmith further states that in addition to this contact with officials of the Government he maintained contact with individuals in all parties in Germany in order to keep himself and the Government informed of political developments in Germany.

With regard to the Austrian matter, he states that from the very beginning of the Nazi Party he was told by both high and secondary government officials in Germany that incorporation of Austria into Germany was both a political and economic necessity and that this incorporation was going to be accomplished "by whatever means were necessary." He further states:

> "I can assert that it was fully understood by everyone in Germany who had any knowledge whatever of what was going on that Hitler and the Nazi Government were irrevocably committed to this end and the only doubt which ever existed in conversations or statements to me was 'how' and 'when.'" *(1760-PS)*.

As Mr. Messersmith relates, at the beginning of the Nazi regime in 1933 Germany was too weak to make open threats of force against any country. It developed a policy of securing its aims in Austria in the same manner as in Germany — by obtaining a foothold in the Cabinet, particularly in the Ministry of Interior which controls the police, and quickly eliminating the opposition elements. Mr. Messersmith states that throughout his stay in Austria he was told on any number of occasions by high officials of the Austrian Government, including Chancellor Dollfuss, Chancellor Schuschnigg, and President Miklas, that the German Government kept up constant pressure upon the Austrian Government to appoint ministers with Nazi orientation.

(2) *Pressure Used, Including Terror and Intimidation, Culminating in the Unsuccessful Putsch of 25 July 1934.* To achieve their end the Nazis used various pressures. They used economic pressure. The law of 24 March 1933 imposed a prohibitive 1,000 reichsmark penalty on trips to Austria, thus bringing hardship to Austria, which relied heavily on its tourist trade (*Reichgesetzblatt* 1933, I, 311). The Nazis used propaganda. And they used terroristic acts, primarily bombings.

Mr. Messersmith's affidavit *(1760-PS)* goes into some detail with respect to these means. Although they were committed by National Socialists in Austria, high Nazi officials in Germany admitted to Mr. Messersmith that they were instigating and directing these waves of terror in Austria. They made no effort to conceal their use of terror, which they justified on the ground that terror was a necessary instrument to impose the will of the party not only in Germany but in other countries. Mr. Messersmith recalls specifically that General Milch of the Air Force stated that the terrorism in Austria was being directed by the Nazi Party in Berlin.

Mr. Messersmith points out that all these outrages were a common occurrence. They had peaks and distinct periods, one in mid-1933 and another in early 1934. He points out that the wave of outrages in May and June 1934 diminished markedly for a few days during the meeting of Hitler and Mussolini in Venice, in mid-June 1934. (At that time Mussolini was strongly supporting the Austrian Government and interested in its independence.) Mr. Messersmith's affidavit quotes extensively from dispatches sent from the American Legation in Vienna to the State Department during this period. These dispatches indicate that the terror was often directed at Catholic Churches and institutions, and at railways and tourist centers.

Mr. Messersmith also recalls that in addition, the Nazis maintained a threat of violent action against Austria through the "Austrian Legion." This was a para-military force of several thousand men, armed by the Nazis in Germany, and stationed in Germany near the Austrian border. It included Austrian Nazis who fled from Austria after committing crimes.

These terroristic activities of the Nazis in Austria continued until July 25, 1934. On that day members of the NSDAP attempted a revolutionary putsch and killed Chancellor Dollfus. A message from Mr. Hadow, of the British Legation in Vienna, to Sir John Simon contains details of the putsch *(2985 PS)*. The official version of events given verbally by the Austrian Government to the diplomatic Corps, as set forth in this document, stated that approximately a hundred men attempting the putsch seized the Federal Chancellery. Chancellor Dollfuss was wounded in trying to escape, being shot twice at close quarters. The Radio Building in the center of the town was overwhelmed, and the announcer was compelled to broadcast the news that Dollfuss had resigned and Doctor Rintelen had taken his place as Chancellor.

Although the putsch failed, the insurgents kept control of the Chancellery Building and agreed to give it up only after they had a safe-conduct to the German border. The insurgents contacted the German Minister, Dr. Rieth, by telephone, and subsequently had private negotiations with him in the building. At about 7:00 p. m. they yielded the building, but Chancellor Dollfuss died about 6:00 p. m., not having had the services of a doctor.

The German Government denied all complicity in the putsch and assassination. Hitler removed Dr. Rieth as Minister on the ground that he had offered a safe-conduct to the rebels without making inquiry of the German Government, and had thus without any reason dragged the German Reich into an internal Austrian affair. This statement appears in the letter which Hitler sent to Franz von Papen on the 26th day of July 1934. (*2799-PS*)

Although the German Government denied any knowledge or complicity in this putsch, there is ample basis for the conclusion that the German Nazis bear responsibility for the events. Light is shed on this matter in the extensive record of the trial of the Austrian Nazi, Planetta, and others who were convicted for the murder, and in the Austrian Brown Book issued after July 25. Mr. Messersmith's affidavit offers further evidence:

> "The events of the Putsch of July 25, 1934, are too well known for me to repeat them in this statement. I need say here only that there can be no doubt that the Putsch was ordered and organized by the Nazi officials from Germany through their organization in Austria made up of German Nazis and Austrian Nazis. Dr. Rieth, the German Minister in Vienna, was fully familiar with all that was going to happen and that was being planned. The German Legation was located directly across the street from the British Legation and the Austrian secret police kept close watch on the persons who entered the German Legation. The British had their own secret service in Vienna at the time and they also

> kept a discreet surveillance over people entering the German Legation. I was told by both British and Austrian officials that a number of the men who were later found guilty by the Austrian Courts of having been implicated in the Putsch had frequented the German Legation. In addition, I personally followed very closely the activities of Dr. Rieth and I never doubted on the basis of all my information that Dr. Rieth was in close touch and constant touch with the Nazi agents in Austria; these agents being both German and Austrian. Dr. Rieth could not have been unfamiliar with the Putsch and the details in connection therewith. I recall too very definitely from my conversations with the highest officials of the Austrian Government after the Putsch, their informing me that Dr. Rieth had been in touch with von Rintelen, who it had been planned by the Nazis was to succeed Chancellor Dollfuss had the Putsch been successful.
>
> "It may be that Dr. Rieth was himself not personally sympathetic with the plans for the Putsch but there is no question that he was fully familiar with all these plans and must have given his assent thereto and connived therein.
>
> "As this Putsch was so important and was a definite attempt to overthrow the Austrian Government and resulted in the murder of the Chancellor of Austria, I took occasion to verify at the time for myself various other items of evidence indicating that the Putsch was not only made with the knowledge of the German Government but engineered by it. I found and verified that almost a month before the Putsch, Goebbels told Signor Cerruti, the Italian Ambassador in Berlin, that there would be a Nazi Government in Vienna in a month." *(1760-PS)*

Mr. William Dodd, Ambassador of the United States to Germany, published in 1941 his Diary, covering the years 1933-1938 (*2832-PS*). The diary contains an entry for July 26, 1934, which makes the following observations. First, Ambassador Dodd noted that in February, 1934, Ernst Hanfstaengl had advised him that he had brought what was virtually an order from Mussolini to Hitler to leave Austria alone and to dismiss and silence Theodor Habicht, the German agent in Munich who had been agitating for annexation of Austria. On 18 June, in Venice, Hitler was reported to have promised Mussolini to leave Austria alone.

Mr. Dodd further states:

> "On Monday, July 23, after repeated bombings in Austria by Nazis, a boat loaded with explosives was seized on Lake Constance by the Swiss police. It was a shipment of German

> bombs and shells to Austria from some arms plant. That looked ominous to me, but events of the kind had been so common that I did not report it to Washington.
>
> "Today evidence came to my desk that last night, as late as eleven o'clock, the government issued formal statements to the newspapers rejoicing at the fall of Dollfuss and proclaiming the Greater Germany that must follow. The German Minister in Vienna had actually helped to form the new Cabinet. He had, as we now know, exacted a promise that the gang of Austrian Nazi murderers should be allowed to go into Germany undisturbed. But it was realized about 12 o'clock that, although Dollfuss was dead, the loyal Austrians had surrounded the government palace and prevented the organization of a new Nazi regime. They held the murderers prisoners. The German Propaganda Ministry therefore forbade publication of the news sent out an hour before and tried to collect all the releases that had been distributed. A copy was brought to me today by a friend.
>
> "All the German papers this morning lamented the cruel murder and declared that it was simply an attack of discontented Austrians, not Nazis. News from Bavaria shows that thousands of Austrian Nazis living for a year in Bavaria on German support had been active for ten days before, some getting across the border contrary to law, all drilling and making ready to return to Austria. The German propagandist Habicht was still making radio speeches about the necessity of annexing the ancient realm of the Hapsburgs to the Third Reich, in spite of all the promises of Hitler to silence him. But now that the drive has failed and the assassins are in prison in Vienna, the German Government denounces all who say there was any support from Berlin.
>
> "I think it will be clear one day that millions of dollars and many arms have been pouring into Austria since the spring of 1933. Once more the whole world is condemning the Hitler regime. No people in all modern history has been quite so unpopular as Nazi Germany. This stroke completes the picture. I expect to read a series of bitter denunciations in the American papers when they arrive about ten days from now." *(2832-PS)*

In connection with the German Government's denial of any connection with the putsch and the murder of Dollfuss, the letter of appointment which Hitler wrote to Vice-Chancellor von Papen on 26 July 1934 is significant. This letter appears in a standard German reference work, *Dokumente der Deutschen Politik, II,* *Page 83 (2799–PS).* (In considering the letter the report widespread at the time should be recalled, that von Papen narrowly missed being purged on 30 June, 1944, along with Ernst Roehm and others.) The letter reads as follows:

"26 July 1934

"Dear Mr. von Papen

"As a result of the events in Vienna I am compelled to suggest to the Reichs President the removal of the German Minister to Vienna, Dr. Rieth, from his post, because he, at the suggestion of Austrian Federal Ministers and the Austrian rebels respectively consented to an agreement made by both these parties concerning the safe conduct and retreat of the rebels to Germany without making inquiry of the German Reich Government. Thus the Minister has dragged the German Reich into an internal Austrian affair without any reason.

"The assassination of the Austrian Federal Chancellor which was strictly condemned and regretted by the German Government has made the situation in Europe, already fluid, more acute, without any fault of ours. Therefore, it is my desire to bring about if possible an easing of the general situation, and especially to direct the relations with the German Austrian State, which have been so strained for a long time, again into normal and friendly channels.

"For this reason, I request you, dear Mr. von Papen, to take over this important task, just because you have possessed and continue to possess my most complete and unlimited confidence ever since we have worked together in the Cabinet—

"Therefore, I have suggested to the Reichs President that you, upon leaving the Reich-Cabinet and upon release from the office of Commissioner for the Saar, be called on special mission to the post of the German Minister in Vienna for a limited period of time. In this position you will be directly subordinated to me.

"Thanking you once more for all that you have at one time done for the coordination of the Government of the National Revolution and since then together with us for Germany, I remain,

Yours, very sincerely,
Adolf Hitler."
(2799-PS)

Four years later, on July 25, 1938, after the Anschluss with Austria, German officials no longer expressed regrets over the death of Dollfuss. They were eager and willing to reveal what the world already knew—that they were identified with and sponsors of the murder of the former Chancellor. A dispatch from the American Consul General in Vienna to the Secretary of State, dated July 26, 1938, relates to the Nazis' celebration of the murder of Dollfuss, held on July 24 and July 25, 1938, four years after the event. It states:

> "The two high points of the celebration were the memorial assembly on the 24th at Klagenfurt, capital of the province of Carinthia, where in 1934 the Vienna Nazi revolt found its widest response, and the march on the 25th to the former Federal Chancellery in Vienna by the surviving members of the S.S. Standarte 89, which made the attack on the Chancellery in 1934 — a reconstruction of the crime, so to say.
>
> "The assembled thousands at Klagenfurt were addressed by the Fuehrer's deputy, Rudolf Hess, in the presence of the families of the 13 National Socialists who were hanged for their part in the July putsch. The Klagenfurt memorial celebration was also made the occasion for the solemn swearing in of the seven recently appointed Gauleiters of the Ostmark.
>
> "From the point of view of the outside world, the speech of Reichs Minister Hess was chiefly remarkable for the fact that after devoting the first half of his speech to the expected praise of the sacrifices of the men, women and youths of Austria in the struggle for a greater Germany, he then launched into a defense of the occupation of Austria and an attack on the 'lying foreign press' and on those who spread the idea of a new war. The world was fortunate, declared Hess, that Germany's leader was a man who would not allow himself to be provoked. 'The Fuehrer does what is necessary for his people in sovereign calm. * * * and labors for the peace of Europe' even though provocators, 'completely ignoring the deliberate threat to peace of certain small states,' deceitfully claim that he is a menace to the peace of Europe.
>
> "The march on the former Federal Chancellery, now the Reichsstatthalterei, followed the exact route and time schedule of the original attack. The marchers were met at the Chancellery by the Reichsstatthalter Seyss-Inquart, who addressed them and unveiled a memorial tablet. From the Reichsstatthalterei the Standarte marched to the old RAVAG broadcasting center from which false news of the resignation of Dollfuss had been broadcast, and there unveiled a second memorial tablet. Steinhausl, the present Police President of Vienna, is a member of the S. S. Standarte 89". *(L–273)*

The original plaque is now rubble. But a photograph of it was found in The National Library in Vienna. [The photograph was offered in evidence at the trial. See *2968–PS.*] The plaque reads: "154 German men of 89 SS Standarte stood up here for Germany on July 26, 1934. Seven found death at the hands of the hangman". The words chosen for this marble tablet, and it may be presumed that they were words chosen carefully, reveal clearly that the men involved were not mere malcontent Austrian revolutionaries, but were regarded as German men, were members of a para-military organization, who stood up here "for Germany." In 1934 Hitler repudiated Dr. Rieth because he "dragged the German Reich into an internal Austrian affair without any reason". In 1938 Nazi Germany proudly identified itself with this murder, took credit for it, and took responsibility for it.

(3) *The Program Culminating in the Pact of July 11, 1936.* In considering the activities of the Nazi conspirators in Austria between 25 July 1934 and November 1937, there is a distinct intermediate point, the Pact of 11 July 1936. Accordingly, developments in the two-year period, July 1934 to July 1936, will first be reviewed.

(*a*) *Continued Aim of Eliminating Austria's Independence —Conversation and Activities of von Papen.* The Nazi conspirators pretended to respect the independence and sovereignty of Austria, notwithstanding the aim of Anschluss stated in *Mein Kampf.* But in truth and in fact they were working from the very beginning to destroy the Austrian State.

A dramatic recital of the position of von Papen in this regard is provided in Mr. Messersmith's affidavit. It states:

> "When I did call on von Papen in the German Legation, he greeted me with 'Now you are in my Legation and I can control the conversation.' In the baldest and most cynical manner he then proceeded to tell me that all of Southeastern Europe, to the borders of Turkey, was Germany's natural hinterland, and that he had been charged with the mission of facilitating German economic and political control over all this region for Germany. He blandly and directly said that getting control of Austria was to be the first step. He definitely stated that he was in Austria to undermine and weaken the Austrian Government and from Vienna to work towards the weakening of the Governments in the other states to the South and Southeast. He said that he intended to use his reputation as a good Catholic to gain influence with certain Austrians, such as Cardinal Innitzer, towards

that end. He said that he was telling me this because the German Government was bound on this objective of getting this control of Southeastern Europe and there was nothing which could stop it and that our own policy and that of France and England was not realistic.

"The circumstances were such, as I was calling on him in the German Legation, that I had to listen to what he had to say and of course I was prepared to hear what he had to say although I already knew what his instructions were. I was nevertheless shocked to have him speak so baldly to me and when he finished I got up and told him how shocked I was to hear the accredited representative of a supposedly friendly state to Austria admit that he was proposing to engage in activities to undermine and destroy that Government to which he was accredited. He merely smiled and said, of course this conversation was between us and that he would of course, not be talking to others so clearly about his objectives. I have gone into this detail with regard to this conversation as it is characteristic of the absolute frankness and directness with which high Nazi officials spoke of their objectives."

* * * * * * *

"On the surface, however, German activities consisted principally of efforts to win the support of prominent and influential men through insidious efforts of all kinds, including the use of the German Diplomatic Mission in Vienna and its facilities and personnel. Von Papen as German Minister entertained frequently and on a lavish scale. He approached almost every member of the Austrian Cabinet, telling them, as several of them later informed me, that Germany was bound to prevail in the long run and that they should join the winning side if they wished to enjoy positions of power and influence under German control. Of course, openly and outwardly he gave solemn assurance that Germany would respect Austrian independence and that all that she wished to do was to get rid of elements in the Austrian Government like the Chancellor, Schuschnigg and Starhemberg as head of the Heimwehr and others, and replace them by a few 'nationally-minded' Austrians, which of course meant Nazis. The whole basic effort of von Papen was to bring about Anschluss.

"In early 1935, the Austrian Foreign Minister, Berger-Waldenegg, informed me that in the course of a conversation with von Papen, the latter had remarked 'Yes, you have your

> French and English friends now and you can have your independence a little longer'. The Foreign Minister, of course, told me this remark in German but the foregoing is an accurate translation. The Foreign Minister told me that he had replied to von Papen 'I am glad to have from your own lips your own opinion which agrees with what your Chief has just said in the Saar and which you have taken such pains to deny.'
>
> "Von Papen undoubtedly achieved some successes, particularly with men like Glaise-Horstenau and others who had long favored the 'Grossdeutschum' idea, but who nevertheless had been greatly disturbed by the fate of the Catholic Church. Without conscience or scruple, von Papen exploited his reputation and that of his wife as ardent and devout Catholics to overcome the fears of these Austrians in this respect." *(1760-PS)*

(b) Continued Existence of Nazi Organizations with a Program of Armed Preparedness. The wiles of von Papen represented only one part of the total program of the Nazi conspiracy. At the same time Nazi activities in Austria, forced underground during this period, were carried on.

Mr. Messersmith's affidavit discloses the following: The Nazi organization, weakened in the events following the putsch, began reorganization work. An informant furnished the Austrian Government with a memorandum of a meeting of Austrian Nazi chiefs held in Bavaria, September, 1934. The memorandum shows that they agreed to prepare for new terroristic acts, to proceed brutally against persons cooperating with the Schuschnigg Government when the next action against the Government took place, and to appear disposed to negotiate but to arm for the struggle. A copy of this memorandum was furnished to Mr. Messersmith. At the same time the Austrian Legion was kept in readiness in Germany. This large, organized hostile group constituted a continuing menace for Austria. *(1760-PS)*

The fact of the reorganization of the Nazi party in Austria is corroborated by a report of one of the Austrian Nazis, Rainer *(812-PS)*. (*812-PS* contains three parts. First there is a letter dated 22 August 1939 from Rainer, then Gauleiter at Salzburg, to Seyss-Inquart, then Reich Minister. That letter encloses a letter dated 6 July 1939, written by Rainer to Reich Commissioner and Gauleiter Josef Buerckel. In that letter, in turn, Rainer inclosed a report on the events in the NSDAP of Austria from 1933 to 11 March 1938, the day before the invasion of Austria.)

The letter from Rainer to Buerckel indicates that he was asked to prepare a short history of the role of the party. He states that after the Anschluss Hitler and the general public gave Seyss-Inquart alone credit for effecting the Anschluss. It is Rainer's belief that credit belongs to the entire Party, the leaders of which had to remain underground. And so Rainer writes his report to show that the Party as a whole is entitled to "the glory which was excessively ascribed to one person, Dr. Seyss-Inquart".

Apparently Seyss-Inquart heard from Buerckel what Rainer said, and wrote to Rainer asking for an explanation. To avoid misunderstanding, Rainer prepared for Seyss-Inquart a copy of his letter to Buerckel and his report.

The Rainer report tells of the disorganization of the Nazi party in Austria and of its reconstitution. The second and third paragraphs of the report state:

> "Thus the first stage of battle commenced which ended with the July rising of 1934. The decision for the July rising was right, the execution of it was faulty. The result was a complete destruction of the organization; the loss of entire groups of fighters through imprisonment or flight into the 'Alt-Reich'; and with regard to the political relationship of Germany to Austria, a formal acknowledgment of the existence of the Austrian State by the German Government. With the telegram to PAPEN, instructing him to reinstitute normal relationships between the two states, the Fuehrer had liquidated the first stage of the battle; and a new method of political penetration was to begin. By order of the Fuehrer the Landesleitung Munich was dissolved, and the party in Austria was left to its own resources.
>
> "There was no acknowledged leader for the entire party in Austria. New leaderships were forming in the nine Gaus. The process was again and again interrupted by the interference of the police; there was no liaison between the formations, and frequently there were two, three or more rival leaderships. The first evident, acknowledged speaker of almost all the Gaus in Autumn 1934 was engineer REINTHALLER (already appointed Landesbauernfeuhrer (leader of the country's farmers) by Hess). He endeavored to bring about a political appeasement by negotiations with the government, with the purpose of giving the NSDAP legal status again, thus permitting its political activities. Simultaneously Reinthaller started the reconstruction of the illegal political organization, at the head of which he had placed engineer NEUBACHER." *(812-PS)*

(*c*) *Secret Contacts Between German Officials, Including*

Papen, and the Austrian Nazis: the Use by the Austrian Nazis of "Front" Personalities. Two cardinal factors about the Nazi organization in Austria should be borne in mind. First, although the Fuehrer had on the surface cast the Austrian Nazis adrift, in fact German officials, including Papen, maintained secret contact with the Austrian Nazis, in line with Hitler's desires. German officials consulted and gave advice and support to the organization of the Austrian Nazis. In the second place, the Austrian Nazis remained an illegal organization, organizing for the eventual use of force in an "emergency." But in the meanwhile they deemed it expedient to act behind "front" personalities, such as Seyss-Inquart, who had no apparent taint of illegality.

Mr. Messersmith relates in his affidavit that he obtained a copy of a document outlining this Nazi program.

> "For two years following the failure of the July 25 Putsch, the Nazis remained relatively quiet in Austria. Very few terroristic acts occurred during the remainder of 1934 and as I recall in 1935 and most of 1936; this inactivity was in accordance with directives from Berlin as direct evidence to that effect, which came to my knowledge at that time, proved. Early in January, the Austrian Foreign Minister, Berger-Waldenegg, furnished me a document which I considered accurate in all respects and which stated:
>
> > 'The German Minister here, von Papen, on the occasion of his last visit to Berlin, was received three times by Chancellor Hitler for fairly long conversations, and he also took this opportunity to call on Schacht and von Neurath. In these conversations the following instructions were given to him:
> >
> > 'During the next two years nothing can be undertaken which will give Germany external political difficulties. On this ground, everything must be avoided which could awaken the appearance of Germany interfering in the internal affairs of Austria. Chancellor Hitler will, therefore, also for this reason not endeavor to intervene in the present prevailing difficult crisis in the National Socialist Party in Austria, although he is convinced that order could be brought into the Party at once through a word from him. This word, however, he will, for foreign political reasons, give all the less, as he is convinced that the, for him, desirable ends may be reached also in another way. Naturally, Chancellor Hitler declared to the German Minister here, this does not indicate any disinterestedness in the idea of Austria's independence. Also, before every-

> thing, Germany cannot for the present withdraw Party members in Austria, and must, therefore, in spite of the very real exchange difficulties, make every effort to bring help to the persecuted National Socialist sufferers in Austria. As a result, Minister of Commerce Schacht finally gave the authorization that from then on 200,000 marks a month were to be set aside for this end (support of National Socialists in Austria). The control and the supervision of this monthly sum was to be entrusted to Engineer Reinthaller, who, through the fact that he alone had control over the money, would have a definite influence on the Party followers. In this way it would be possible to end most quickly and most easily the prevailing difficulties and division in the Austrian National Socialist Party.
>
> 'The hope was also expressed to Herr von Papen that the recently authorized foundation of German "Ortsgruppen" of the National Socialist Party in Austria (made up of German citizens in Austria) would be so arranged as not to give the appearance that Germany is planning to interfere in Austrian internal affairs.'" *(1760-PS)*

The report of Gauleiter Rainer to Reichskommissar Buerckel in July 1939, outlines the further history of the party and the leadership squabbles following the retirement of Reinthaller. In referring to the situation in 1935, he mentions some of the contacts with the Reich Government in the following terms:

> "In August some further arrests took place, the victims of which were, apart from the Gauleaders, also Globocnik and Rainer. SCHATTENFROH then claimed, because of an instruction received from the imprisoned LEOPOLD, to have been made deputy country leader. A group led by engineer RAFFELSBERGER had at this time also established connections with departments of the Alt-Reich (Ministry of Propaganda, German Racial Agency, etc.) and made an attempt to formulate a political motto in the form of a program for the fighting movement of Austria." *(812-PS)*

The Rainer report sets forth the situation a little later in 1936:

> "The principles of the construction of the organization were: The organization is the bearer of the illegal fight and the trustee of the idea to create a secret organization, in a simple manner, and without compromise, according to the principle of organizing an elite to be available to the illegal land-party council upon any emergency. Besides this, all political opportunities should be taken and all legal people and legal

> chances should be used without revealing any ties with the illegal organization. Therefore, cooperation between the illegal party organization and the legal political aides was anchored at the top of the party leadership. All connections with the party in Germany were kept secret in accordance with the orders of the Fuehrer. These said that the German state should officially be omitted from the creation of an Austrian NSDAP; and that auxiliary centers for propaganda, press, refugees, welfare, etc. should be established in the foreign countries bordering Austria.
>
> "Hinterleitner already contacted the lawyer Seyss-Inquart, who had connections with Dr. Wachter which originated from Seyss-Inquart's support of the July uprising. On the other side Seyss-Inquart had a good position in the legal field and especially well-established relations with Christian-Social politicians. Dr. Seyss-Inquart came from the ranks of the 'Styrian Heimatschutz' and became a party member when the entire 'Styrian Heimatschutz' was incorporated into the NSDAP. Another personality who had a good position in the legal field was Col. Glaise-Horstenau who had contacts with both sides. The agreement of 11 July 1936 was strongly influenced by the activities of these two persons. Papen mentioned Glaise-Horstenau to the Fuehrer as being a trusted person." *(812-PS)*

The Rainer report thus discloses the dual tactics of the Austrian Nazis during this period of keeping quiet and awaiting developments. They were maintaining their secret contacts with Reich officials, and using "front" personalities such as Glaise-Horstenau and Seyss-Inquart. The Nazis made good use of such figures, who were more discreet in their activities and could be referred to as "Nationalists". They presented, supported, and obtained consideration of demands which could not be negotiated by out-and-out Nazis like Captain Leopold. Seyss-Inquart did not hold any public office until January 1937, when he was made Councillor of State. But Rainer, describing him as a trustworthy member of the Party through the ranks of the Styrian-Heimatschutz, points him out as one who strongly influenced the agreement of 11 July 1936.

That the Nazis, but not the Austrian Government, did well to trust Seyss-Inquart, is indicated by a letter, dated 14 July 1939, addressed to Field Marshal Goering *(2219-PS)*. The letter ends with the "Heil Hitler" close and is not signed, but it was undoubtedly written by Seyss-Inquart. It was found among Seyss-Inquart's personal files. On the first page of the letter there appears a note in ink, not indicated in the partial English translation, reading: "Air Mail. 15 July, 1515 hours, Berlin, brought to Goering's office."

The main text of the letter consists of a plea for intercession in behalf of one Muehlmann, who unfortunately got in Buerckel's bad graces. An extract from the letter, which shows Seyss-Inquart as one whose loyalty to Hitler and the aims of the Nazi conspiracy led him to fight for the Anschluss with all the means at his disposal, reads:

At Present In Vienna, 14 July 1939

"To the General Field Marshal
Sir:

* * * * * * *

"If I may add something about myself, it is the following: I know that I am not of an active fighting nature, unless final decisions are at stake. At this time of pronounced activism *(Aktivismus)* this will certainly be regarded as a fault in my personality. Yet I know that I cling with unconquerable tenacity to the goal in which I believe. That is Greater Germany *(Grossdeutschland)* and the FUEHRER. And if some people are already tired out from the struggle and some have been killed in the fight, I am still around somewhere and ready to go into action. This, after all, was also the development until the year 1938. Until July 1934 I conducted myself as a regular member of the party. And if I had quietly, in whatever form, paid my membership dues the first one, according to a receipt, I paid in December 1931. I probably would have been an undisputed, comparatively old fighter and party member of Austria, but I would not have done any more for the union. I told myself in July 1934 that we must fight this clerical regime on its own ground in order to give the Fuehrer a chance to use whatever method he desires. I told myself that this Austria was worth a mass. I have stuck to this attitude with an iron determination because I and my friends had to fight against the whole political church, the Freemasonry, the Jewry, in short, against everything in Austria. The slightest weakness which we might have displayed would undoubtedly have led to our political annihilation; it would have deprived the Fuehrer of the means and tools to carry out his ingenious political solution for Austria, as became evident in the days of March 1938. I have been fully conscious of the fact that I am following a path which is not comprehensible to the masses and also not to my party comrades. I followed it calmly and would with-

> out hesitation follow it again because I am satisfied that at one point I could serve the FUEHRER as a tool in his work, even though my former attitude even now gives occasion to very worthy and honorable party comrades to doubt my trustworthiness. I have never paid attention to such things because I am satisfied with the opinion which the FUEHRER and the men close to him have of me." *(2219–PS)*

A letter from Papen to Hitler dated 27 July 1935 shows how Papen thought the doctrines of National Socialism could be used to effect the aim of Anschluss. It consists of a report entitled "Review and Outlook, One Year after the Death of Chancellor Dollfuss." After reviewing the success that the Austrian Government had had in establishing Dollfuss as a martyr and his principles as the patriotic principles of Austria, Papen stated:

> "National Socialism must and will overpower the new Austrian ideology. If today it is contended in Austria that the NSDAP is only a centralized Reich German party and therefore unable to transfer the spirit of thought of National Socialism to groups of people of a different political makeup, the answer must rightly be that the national revolution in Germany could not have been brought about in a different way. But when the creation of the people's community in the Reich will be completed, National socialism could, in a much wider sense than this is possible through the present party organization—at least apparently—, certainly become the rallying point for all racially German units beyond the borders. Spiritual progress in regard to Austria cannot be achieved today with any centralized tendency. If this recognition would once and for all be stated clearly from within the Reich, then it would easily become possible to effect a break-through into the front of the New Austria. A Nurnberg Party Day designated as 'The German Day' as in old times and the proclamation of a national socialistic peoples' front, would be a stirring event for all beyond the borders of the Reich. Such attacks would win us also the particularistic Austrian circles, whose spokesman, the legitimistic Count Dubsky wrote in his pamphlet about the 'Anschluss': The Third Reich will be with Austria, or it will not be at all. National Socialism must win it or it will perish, if it is unable to solve this task * * *." (*2248–PS*)

Other reports from Papen to Hitler, hereinafter mentioned, show that he maintained covert contact with the National Socialist groups in Austria. From the very start of his mission Papen was thinking of ways and means of using the principle of National

Socialism for "National Germans" outside the borders of Germany. Papen was working for Anschluss, and although he preferred to use the principles of National Socialism rather than rely on the party organization, he was prepared to defend the party organization as a necessary means of establishing those principles in the German Reich.

(d) . Assurances and Reassurances. The German Government did more than keep up a pretense of noninterference with Austrian groups. It employed the psychological inducement of providing assurances that it had no designs on Austria's independence. If Austria could but hope for the execution of those assurances, she could find her way clear to the granting of concessions, and obtain relief from the economic and internal pressures.

A letter from Papen, while in Berlin, to Hitler, dated 17 May 1935, indicated that a forthright, credible statement by Germany reassuring Austria would be most useful for German diplomatic purposes and the improvement of relationships between Austria and German groups in Austria *(2247–PS)*. Papen had a scheme for pitting Schuschnigg and his Social-Christian forces against Starhemberg, the Vice-Chancellor of Austria, who was backed by Mussolini. He hoped to persuade Schuschnigg to ally his forces with the NSDAP in order to emerge victorious over Starhemberg. Papen indicated that he obtained this idea from Captain Leopold, leader of the illegal National Socialists. His letter states in part:

> " * * * I suggest that we take an active part in this game. The fundamental idea should be to pit Schuschnigg and his Christian-social Forces, who are opposed to a home front dictatorship, against Starhemberg. The possibility of thwarting the measures arranged between Mussolini and Starhemberg should be afforded to him, in such way that he would submit the offer to the government of a definitive German-Austrian compromise of interests. According to the convincing opinion of the leader of the NSDAP in Austria, Capt. Leopold, the totalitarian principle of the NSDAP in Austria must be replaced in the beginning by a combination of that part of the Christian-elements which favors the Greater Germany idea and the NSDAP. If Germany recognizes the national independence of Austria and guarantees full freedom to the Austrian national opposition, then as a result of such a compromise the Austrian government would be formed in the beginning by a coalition of these forces. A further consequence of this step would be the possibility of the participation of Germany in the Danube pact, which

> would take the sting out of its acuteness due to the settlement of relations between Germany and Austria. Such a measure would have a most beneficial influence on the European situation and especially on our relationship with England. One may object, that Mr. Schuschnigg will hardly be determined to follow such a pattern, that he will rather in all probability immediately communicate our offer to our opponents. Of course, one should first of all explore the possibility of setting Schuschnigg against Starhemberg through the use of 'Go betweens'. The possibility exists. If Mr. Schuschnigg finally says 'No' and makes our offer known in Rome, then the situation would not be any worse but, on the contrary, the efforts of the Reich government to make peace with Austria would be revealed — without prejudice to other interests. Therefore even in the case of refusal this last attempt would be an asset. I consider it completely possible, that in view of the far spread dislike of the Alpine countries of the pro-Italian course and in view of the sharp tensions within the federal government *(Bundesregierung)*, Mr. Schuschnigg will grasp this last straw — always under the supposition that the offer could not be interpreted as a trap by the opponents, but that it bears all the mark of an actually honest compromise with Austria. Assuming success of this step, we would again establish our active intervention in Central European politics, which, as opposed to the French-Czech and Russian political maneuvers, would be a tremendous success, both morally and practically. Since there are 2 weeks left to accomplish very much work in the way of explorations and Conferences, an immediate decision is necessary. The Reich Army Minister *(Reichswehrminister)* shares the opinion presented above and the Reich Foreign Minister *(Reichsaussenminister)* wanted to discuss it with you my Fuehrer.
>
> (Signed) Papen". *(2247–PS)*

In other words, Papen wanted a strong assurance and credible assurance, of Austria's independence. As he put it, Germany had nothing to lose with what it could always call a mere effort at peace. And she might be able to convince Schuschnigg to establish an Austrian coalition government with the NSDAP. If she did this, she would vastly strengthen her position in Europe. Finally, Papen urged haste.

Exactly four days later (21 May 1935) in a Reichstag address Hitler responded to Papen's suggestion, asserting:

> "Germany neither intends nor wishes to interfere in the

internal affairs of Austria, to annex Austria or to conclude an Anschluss". (*TC–26*)

Despite this assurance, Papen suggested and Hitler announced, for a complexity of reasons, a policy completely at variance with their intentions, which had been and continued to be to interfere in Austria's internal affairs and to conclude an Anschluss.

(*e*) *Temporary Continuance of a Quiet Pressure Policy.* On 1 May 1936 Hitler branded as a lie any statement that tomorrow or the day after Germany would fall upon Austria. His words were published in the *Voelkische-Beobachter,* SD, 2-3 May 1936, p. 2. *(2367–PS)*

If Hitler meant what he said, it was only in the most literal and misleading sense that he would not fall upon Austria "tomorrow or the day after". For the conspirators well knew that the successful execution of their purpose required for a while longer the quiet policy they had been pursuing in Austria.

A memorandum of a conversation which occurred when William Bullitt, American Ambassador to France, called upon von Neurath, German Minister for Foreign Affairs, on 18 May 1936, recounts von Neurath's explanation why Germany was trying to prevent rather than encourage an outbreak by the Nazis in Austria *(L–150)*. The Nazis were growing stronger in Austria, anyway, in view of their appeal to the young people. And the German Government was doing nothing active in foreign affairs until the Rhineland, reoccupied two months before, had been "digested", and until fortifications were constructed on the French frontier. Finally, Italy still had a conflicting interest in Austria, and Germany wished to avoid any involvement with Italy.

(*f*) *The agreement of 11 July 1936.* But if Germany was not yet ready for open conflict in Austria, its diplomatic position was vastly improved over 1934, a fact which influenced Austria's willingness to make concessions to Germany and come to terms. As Mr. Messersmith points out, Italy, formerly a protector of Austria, had embarked on her Abyssinian adventure, and this, together with the refortification of the Rhineland, strengthened Germany's position *(1760–PS)*. This weakening of Austria helped pave the way for the Pact of 11 July 1936. (*TC–22*)

The formal part of the agreement of July 11, 1936, between the German Government and the Government of the Federal State of Austria, looks like a great triumph for Austria. It contains a confusing provision to the effect that Austria, in its policy, especially with regard to Germany, will regard herself as a German state. But the other two provisions clearly state that Germany recognizes the full sovereignty of Austria, and that it regards the inner political order of Austria (including the question of Austrian National Socialism) as an internal concern of Austria upon which it will exercise neither direct nor indirect influence.

But there was much more substance to the day's events. Mr. Messersmith's summary, as set forth in his affidavit, is more revealing:

> "Even more important than the terms of the agreement published in the official communique, was the contemporaneous informal understanding, the most important provisions of which were, that Austria would (1) appoint a number of individuals enjoying the Chancellor's confidence but friendly to Germany to positions in the Cabinet; (2) would devise means to give the 'national opposition' a role in the political life of Austria and within the framework of the Patriotic Front, and (3) would amnesty all Nazis save those convicted of the most serious offenses. This amnesty was duly announced by the Austrian Government and thousands of Nazis were released, and the first penetration of the *Deutsche Nationaler* into the Austrian Government was accomplished by the appointment of Dr. Guido Schmidt as Secretary of State for Foreign Affairs, and of Dr. Edmund Glaise-Horstenau as Minister Without Portfolio". *(1760-PS)*

These and other provisions of the secret part of the Agreement of July 11 are set forth briefly and in general terms in an affidavit by Kurt Schuschnigg, former Chancellor of Austria, dated November 19, 1945 *(2994-PS)*. By two of those provisions Austria agreed to permit Nazi organizations on Austrian soil, and also use of the swastika and singing of the Horst Wessel song — all for German subjects. On its credit side, Austria was to get repeal of the 1,000 mark barrier on tourist trade, and in general tourist trade between the two countries was to resume.

In view of the strategy and tactics of the Nazis, these were substantial concessions made by Austria to obtain Germany's diplomatic, formal assurance of Austrian independence and nonintervention in Austrian internal affairs. The release of imprisoned Nazis to the community presented potential police problems. And as Mr. Messersmith pointed out in a 1934 dispatch, quoted in his affidavit, any prospect that the National Socialists might come to power would make it more difficult to obtain effective police and judicial action against the Nazis for fear of reprisals by the future Nazi Government against those taking action against Nazis even in the line of duty *(1760-PS)*. The preservation of internal peace in Austria was thus dependent upon Germany's living up to its obligations under the Accord.

(4) *Germany's Continuing Program of Weakening the Austrian Government.*

(*a*) *Germany's Instructions to the Austrian National Socialists Concerning Future Plans.* In the pact of 11 July 1936 Germany agreed not to influence directly or indirectly the internal affairs of Austria, including the matter of Austrian National Socialism. On 16 July 1936, just five days later, Hitler violated that provision. The report of Gauleiter Rainer to Reich Commissioner Buerckel states:

> " * * * At that time the Fuehrer wished to see the leaders of the party in Austria in order to tell them his opinion on what Austrian National-Socialists should do. Meanwhile Hinterleitner was arrested, and Dr. Rainer became his successor and leader of the Austrian party. On 16 July 1936, Dr. Rainer and Globocnik visited the Fuehrer at the 'Obersalzburg' where they received a clear explanation of the situation and the wishes of the Fuehrer. On 17 July 1936, all illegal Gauleiters met in Anif near Salzburg, where they received a complete report from Rainer on the statement of the Fuehrer and his political instructions for carrying out the fight. At the same conference the Gauleiters received organizational instructions from Globocnik and Hiedler."

* * * * * * *

> "Upon the proposal of Globocnik, the Fuehrer named Lt. Gen. (Gruppenfuehrer) Keppler as chief of the mixed commission which was appointed, in accordance with the state treaty of 11 July 1936, to supervise the correct execution of the agreement. At the same time Keppler was given full authority by the Fuehrer for the party in Austria. After Keppler was unsuccessful in his efforts to cooperate with Leopold, he worked together with Dr. Rainer, Globocnik, Reinthaller as leader of the peasants, Kaltenbrunner as leader of the SS, and Dr. Jury as deputy-leader of the Austrian party, as well as with Glaise-Horstenau and Seyss-Inquart." *(812–PS)*

A new strategy was developed for the Austrian Nazis. Mr. Messersmith describes it briefly in his affidavit:

> "The sequel of the agreement was the only one which could have been expected in view of all the facts and previous recorded happenings. Active Nazi operations in Austria were resumed under the leadership of a certain Captain Leopold, who it was known definitely was in frequent touch with Hitler. The Nazi program was now to form an organization through which the Nazis could carry on their opera-

> tions openly and with legal sanction in Austria. There were formed in Austria several organizations which had a legal basis but which were simply a device by which the Nazis in Austria could organize, and later seek inclusion as a unit in the Patriotic Front. The most important of these was the *Ostmarkischer Verein,* the sponsor of which was the Minister of the Interior Glaise-Horstenau. Through the influence of Glaise-Horstenau and the pro-Nazi Neustadter-Sturmer, this organization was declared legal by the Courts. I made specific mention of the foregoing because it shows the degree to which the situation in Austria had disintegrated as a result of the underground and open Nazi activities directed from Germany." *(1760–PS)*

A report from Papen to Hitler dated 1 September 1936 indicates Papen's strategy after 11 July 1936 for destroying Austria's independence. Papen had taken a substantial step forward with the agreement of July 11. Incidentally, after that agreement he was promoted from Minister to Ambassador. Now his tactics were developed in the following terms, as explained in the last three paragraphs of his letter of September 1:

> " * * * The progress of normalizing relations with Germany at the present time is obstructed by the continued persistence of the Ministry of Security, occupied by the old anti-National Socialistic officials. Changes in personnel are therefore of utmost importance. But they are definitely not to be expected prior to the conference on the abolishing of the Control of Finances (Finanzkontrolle) at Geneva. The Chancellor of the League has informed Minister de Glaise-Horstenau, of his intention, to offer him the porte folio of the Ministry of the Interior. As a guiding principle (Marschroute) I recommend on the tactical side, continued, patient psychological treatment, with slowly intensified pressure directed at changing the regime. The proposed conference on economic relations, taking place at the end of October, will be a very useful tool for the realization of some of our projects. In discussion with government officials as well as with leaders of the illegal party (Leopold and Schattenfroh) who conform completely with the agreement of July 11. I am trying to direct the next developments in such a manner to aim at corporative representation of the movement in the fatherland front (Vaterlaendischen Front) but nevertheless refraining from putting National-socialists in important positions for the time being. However such positions are to be occupied only by personalities, having the

> support and the confidence of the movement. I have a willing collaborator in this respect in Minister Glaise-Horstenau.
>
> (Signature) Papen"
>
> *(2246–PS)*

To recapitulate, this report of von Papen, discloses the following plans:

1. obtaining a change in personnel in Ministry of Security in due course;
2. obtaining corporative representation of the Nazi movement in the Fatherland Front;
3. not putting avowed National-Socialists in important positions yet, but using "nationalist" personalities;
4. using economic pressure, and "patient psychological treatment, with slowly intensified pressure directed at changing the regime."

(b) Nazi Demands and Demonstrations. The Nazi demanded even more open recognition. In January 1937 Captain Leopold submitted a memorandum of demands. They are listed in Mr. Messersmith's affidavit *(1760–PS)*. They were not formally received by the Austrian Cabinet, but they were known to and considered by the Cabinet. They included the following demands: (1) An amnesty for all punishments or privations suffered for National Socialist or National activity or sympathy; (2) equal treatment for National Socialists, including freedom of political activity and cultural activity; (3) abolition of laws and sanctions used by the Government against Nazi activity. The memorandum advocated cooperation on the basis of political principles including: A broadening of the Patriotic Front; changes in the Cabinet; an alliance with the Reich; common racial stock as a political aim; the application of anti-Semitic measures; and an early plebiscite on Anschluss.

Mr. Messersmith's affidavit also states that these demands, and Leopold's petition for a nationalistic party, were supported by frequent demonstrations and much propaganda work. As early as 29 July 1936, when the Olympic Torch was carried through Vienna, there were violent Nazi disorders. From that time on there were frequent arrests for distributing illegal literature or staging illegal demonstrations. *(1760–PS)*

(c) Schuschnigg's Concessions. Gauleiter Rainer's historical review points out that due to the activities of the Reich officials and the Austrians who acted as the Nazi "fronts", it was possible to obtain the appointment of Seyss-Inquart as *Staatsrat* (Councillor of State) in July, 1937. *(812–PS)*

Schuschnigg's affidavit mentions the Olympic Torch incident, and in addition the demonstration of the illegal Nazis at the time of the visit of von Neurath to Vienna in February 1937. Schuschnigg also points out other examples of the pressure increasingly exerted by Germany on Austria. One of his main reasons for entering into the July 11 agreement was to eliminate Germany's 1,000 mark penalty on tourists to Austria. The penalty was removed, but Germany made it illegal for a tourist to bring more than 5 marks out of the country. And German buyers of cattle and wood purchased only from Austrian Nazis. *(2994–PS)*

Schuschnigg further reports that the incidents and pressure culminated in the so-called Tavs Plan, discovered by the Austrian police in November, 1937, containing instructions for unrest to break out among the Nazis at a prearranged time. The German Government would submit an ultimatum that National-Socialists must be brought into the Government or the German Army would invade. (*2994–PS*)

It may be recalled that during this period Schuschnigg made concessions. He appointed Seyss-Inquart as Councillor of State in July, 1937. He had previously appointed a "Committee of Seven" to discuss with him the desires of the national opposition. He played a delaying game, presumably in the hope that a change in the foreign situation would provide him with external support.

B. *Germany's Diplomatic Preparations for Conquest.*

The program of the Nazi conspiracy aimed at weakening Austria externally and internally, by removing its support from without as well as by penetrating within. This program was of the utmost significance, since the events of 25 July 1934 inside Austria were overshadowed by the fact that Mussolini had brought his troops to the Brenner Pass and poised them there as a strong protector of his northern neighbor.

Accordingly, interference in the affairs of Austria, and steady increase in the pressure needed to acquire control over that country, required removal of the possibility that Italy or any other country would come to Austria's aid. But the program of the conspiracy for the weakening and isolation of Austria was integrated with its foreign policy program in Europe generally.

The Nazi conspirators' diplomatic preparation for war is described in a second affidavit of George S. Messersmith *(2385–PS)*, which may be summarized as follows: In 1933 the Nazis openly acknowledged the ambition to expand the territorial borders of the Reich to include Austria and Czechoslovakia. As for the other countries of Southeast Europe, the professed objective was stated at that time not in terms of territorial acquisition but rather in terms of political and economic control. And the stated objectives were not limited to Southeast Europe, for important Nazis even in 1933 were stating their desire for the Ukraine as the granary of Germany.

When they came to power, the Nazis had two principal objectives. They wanted to establish their power in Germany. And they wanted to rearm and establish Germany's armed power. They wanted peace until they were ready. But they wanted to acquire the ability to carry out their program in Europe by force if necessary, although preferably by a threat of force. They accordingly embarked upon their vast rearmament program. It proceeded very rapidly. Goering and General Milch often said to Messersmith or in his presence that the Nazis were concentrating on air power in their rearmament, as the weapon of terror most likely to give Germany a dominant position and the weapon which could be developed most rapidly.

In addition to material preparation for war, there was preparation for war in the psychological sense. Throughout Germany youth of all ages could be observed in military exercises and field maneuvers.

Moreover, as Mr. Messersmith also observes,

> "Military preparation and psychological preparation were coupled with *diplomatic* preparation designed to so disunite and isolate their intended victims as to render them defenseless against German aggression." *(2385–PS)*

In 1933 the difficulties facing Germany in the political and diplomatic field loomed large. France was the dominant military power on the continent. She had woven a system of mutual assistance in the West and in the East. The Locarno Pact of 1928, supplemented by the Franco-Belgian alliance, guaranteed the territorial status quo in the West. Yugoslavia, Czechoslovakia, and Rumania were allied in the Little Entente and each in turn was united with France by mutual assistance pacts. Since 1922, France and Poland had likewise been allied against external aggression. Italy had made plain her special interest in Austrian independence.

Nazi Germany launched a vigorous diplomatic campaign to break up the existing alliances and understandings, to create divisions among the members of the Little Entente and the other Eastern European powers.

Specifically, Nazi Germany countered these alliances with promises of economic gain for cooperating with Germans. To some of these countries she offered extravagant promises of territorial and economic rewards. She offered Carinthia, in Austria, to Yugoslavia. She offered part of Czechoslovakia to Hungary and part of Poland. She offered Yugoslav territory to Hungary at the same time that she was offering land in Hungary to Yugoslavia.

As Mr. Messersmith states in his affidavit:

> "Austria and Czechoslovakia were the first on the German program of aggression. As early as 1934, Germany began to woo neighbors of these countries with promises of a share in the loot. To Yugoslavia in particular they offered Carinthia. Concerning the Yugoslav reaction, I reported at the time:
>
> > ' * * * The major factor in the internal situation in the last week has been the increase in tension with respect to the Austrian Nazi refugees in Yugoslavia. * * * There is very little doubt but that Goering, when he made his trip to various capitals in Southeastern Europe about six months ago, told the Yugoslavs that they would get a part of Carinthia, when a National Socialist Government came into power in Austria. * * * The Nazi seed sown in Yugoslavia has been sufficient to cause trouble and there are undoubtedly a good many people there who look with a great deal of benevolence on those Nazi refugees who went to Yugoslavia in the days following July 25.'
>
> "Germany made like promises of territorial gains to Hungary and to Poland in order to gain their cooperation or at least their acquiescence in the proposed dismemberment of Czechoslovakia. As I learned from my diplomatic colleagues in Vienna, von Papen and von Mackensen in Vienna and in Budapest in 1935, were spreading the idea of division of Czechoslovakia, in which division Germany was to get Bohemia, Hungary to get Slovakia, and Poland the rest. This did not deceive any of these countries for they knew that the intention of Nazi Germany was to take all.
>
> "The Nazi German Government did not hesitate to make inconsistent promises when it suited its immediate objectives. I recall the Yugoslav Minister in Vienna saying to me in 1934 or 1935, that Germany had made promises to Hungary of Yugoslav territory while at the same time promising to Yugoslavs portions of Hungarian territory. The Hungarian Minister in Vienna later gave me the same information.
>
> "I should emphasize here in this statement that the men who

made these promises were not only the died-in-the-wool Nazis but more conservative Germans who already had begun to willingly lend themselves to the Nazi program. In an official despatch to the Department of State from Vienna dated October 10, 1935, I wrote as follows:

> ' * * * Europe will not get away from the myth that Neurath, Papen and Mackensen are not dangerous people and that they are "diplomats of the old school." They are in fact servile instruments of the regime and just because the outside world looks upon them as harmless, they are able to work more effectively. They are able to sow discord just because they propagate the myth that they are not in sympathy with the regime.' " *(2385–PS)*

In other words, Nazi Germany was able to promote these divisions and increase its own aggressive strength by using as its agents in making these promises men who on outward appearances were merely conservative diplomats. It is true that Nazis openly scoffed at any notion of international obligations. It is true that the real trump in Germany's hand was its rearmament and more than that its willingness to go to war. And yet the attitude of the various countries was not influenced by those considerations alone. Schuschnigg laid great stress upon, and was willing to go to some lengths to obtain, an assurance of independence. All these countries found it possible to believe apparently substantial personages, like von Neurath, for example. They were led to rely on the assurances given, which seemed more impressive since the diplomats making them were represented as men who were not Nazis and would not stoop to go along with the base designs of the Nazis.

Germany's approach toward Great Britain and France was in terms of limited expansion as the price of peace. They signed a naval limitations treaty with England and discussed a Locarno Air Pact. In the case of both France and England, they limited their statement of intentions and harped on fears of Communism and war.

In making these various promises, Germany was untroubled by notions of the sanctity of international obligations. High ranking Nazis, including Goering, Frick, and Frank, openly stated to Mr. Messersmith that Germany would observe her international undertakings only so long as it suited Germany's interests to do so. As Mr. Messersmith states in his affidavit:

> "High ranking Nazis with whom I had to maintain official contact, particularly men such as Goering, Goebbels, Ley, Frick, Frank, Darre and others, repeatedly scoffed at my

> position as to the binding character of treaties and openly stated to me that Germany would observe her international undertakings only so long as it suited Germany's interests to do so. Although these statements were openly made to me as they were, I am sure, made to others, these Nazi leaders were not really disclosing any secret for on many occasions they expressed the same ideas publicly." *(2385–PS)*

France and Italy worked actively in Southeastern Europe to counter Germany's moves. France made attempts to promote an East Locarno Pact and to foster an economic accord between Austria and the other Danubian powers. Italy's effort was to organize an economic bloc of Austria, Hungary, and Italy.

But Germany foiled these efforts by redoubling its promises of loot, by continuing its armament, and by another significant stratagem. The Nazis stirred up internal dissensions to disunite and weaken their intended victims. They supported the Austrian Nazis and the Henlein Party in Czechoslovakia. They probed what Goebbels called the "sore spots." In Yugoslavia they played on the differences between the Croats and the Serbs, and in particular played on the fear of the restoration of the Hapsburgs in Austria, a fear which was very real in Yugoslavia. In Hungary, Poland, and Rumania they stirred up other fears and hatreds. These measures had considerable effect in preventing these countries from joining any which were opposed to German designs.

The Nazis consolidated their power in Germany very quickly. The German people became increasingly imbued with the Nazi military spirit. Within Germany, resistance to the Nazis disappeared. Army officers, including many who originally aided the Nazis with the limited objective of restoring the German Army, increasingly became imbued with aggressive designs as they saw how remarkably their power was growing.

The power of Nazi Germany outside the borders of the Reich increased correspondingly. Other countries feared its military might. Important political leaders in Yugoslavia, in Hungary, and in Poland became convinced that the Nazi regime would gain its ends and that the best course was to play along with Germany. These countries became apathetic toward the development of Anschluss with Austria and cooperative toward the dismemberment of Czechoslovakia. Mr. Messersmith's despatches from Europe to the State Department, setting out the developments in these countries, are included in his second affidavit. *(2385–PS)*

As for Italy, Germany's initial objective was to sow discord between Yugoslavia and Italy, by promising Yugoslavia Italian territory, particularly Trieste. This was to prevent France from reaching agreement with them and to block an East Locarno Pact. As Mr. Messersmith states:

> "While Italy openly opposed efforts at Anschluss with Austria in 1934, Italian ambitions in Abyssinia provided Germany with the opportunity to sow discord between Italy and France and England, and to win Italy over to acceptance of Germany's program in exchange for German support of Italy's plans in Abyssinia." *(2385–PS)*

That paved the way for the Austro-German declaration of 11 July 1936. And in the Fall of 1936, Germany extended the hand of friendship and common purpose to Italy in an alliance—the Rome-Berlin Axis. This, together with Germany's alliance with Japan, put increasing pressure on England and increased the relative strength of Germany.

And so, by means of careful preparation in the diplomatic field, among others, the Nazi conspirators had woven a position for themselves so that they could seriously consider plans for war and outline a time-table. That time-table was developed in the conference with Hitler in the Reichschancellery on 5 November 1937. *(386–PS)*

C. *Crystallization of the Plan to Wage Aggressive War in Europe and to Seize Austria and Czechoslovakia.*

At the meeting of the conspirators in the Reichschancellery on 5 November 1937, the Fuehrer insisted that Germany should have more space in Europe *(386–PS)*. It was concluded that the space required must be taken by force, three different cases were outlined as possibilities, and it was decided that the problem would have to be solved before the period 1943 to 1945. The nature of a war in the near future was envisaged, specifically against Austria and Czechoslovakia. Hitler said that for the improvement of Germany's military political position the first aim of the Nazis in every case of entanglement by war must be to conquer Czechoslovakia and Austria simultaneously, in order to remove any threat from the flanks in case of a possible advance Westwards. Hitler then calculated that the conquest of Czechoslovakia and Austria would constitute the conquest of food for from five to six million people, assuming that the comprehensive emigration of one million from Austria could be carried out. He further pointed out that the annexation of the two states to Germany would constitute a considerable relief, both militarily and politically, since they would provide shorter and better frontiers, would free fighting personnel for other purposes, and would make possible the reconstitution of new armies. *(386–PS)*

The minutes of this meeting reveal a crystallization in the policy of the Nazi conspirators. It had always been their aim to acquire Austria. At the outset a revolutionary Putsch was attempted, using the personnel of the Austrian Nazis, but that failed. The next period was one of surface recognition of the independence of Austria and the use of devious means to strengthen the position of the Nazis internally in Austria. Now, however, it became clear that the need for Austria, in the light of the larger aggressive purposes of the Nazi conspirators, was sufficiently great to warrant the use of force in order to obtain Austria with the desired speed. The Nazis were, in fact, able to secure Austria, after having weakened it internally and removed from it the support of other nations, merely by setting the German military machine in motion and making a threat of force. The German armies were able to cross the border and secure the country without the necessity of firing a shot. Careful planning for war and the readiness to use war as an instrument of political action made it possible in the end for the Nazis to master Austria without having to fight for it.

The German High Command had previously considered preparations against Austria. On 24 June 1937 the Reich Minister for War and Commander in Chief of the Armed Forces, General von Blomberg, issued a Top Secret Directive *(C–175)*. The importance of this directive, establishing a unified preparation of the Armed Forces for war, is indicated by the fact that the carbon copy received by the Commander-in-Chief of the Navy was one of only four copies. This directive from General von Blomberg stated that the general political situation indicated that Germany need not consider an attack from any side, and also that Germany did not intend to unleash a European war. It then stated, in point 1:

> "Nevertheless the politically fluid world situation, which does not preclude surprising incidents, demands a continuous preparedness for war of the German Armed Forces.
>
> "*a.* to counter attacks at any time
>
> "b. to enable the military exploitation of politically favorable opportunities should they occur." *(C–175)*

The directive then indicated that there would be certain preparations of a general nature for war.

> "2. The preparations of a general nature include:
>
> "*a.* The permanent preparedness for mobilization of the German Armed Forces, even before the completion of rearmament and full preparedness for war.
>
> "*b.* The further working on 'Mobilization without public

> announcement' in order to put the Armed Forces in a position to begin a war suddenly and by surprise both as regards strength and time." (*C–175*)

The directive finally indicated, in Part 3, that there might be special preparation for war in Austria:

> "Armed intervention in Austria in the event of her restoring the Monarchy.
>
> "The object of this operation will be to compel Austria by armed force to give up a restoration.
>
> "Making use of the domestic political divisions of the Austrian people, the march in will be made in the general direction of Vienna and will break any resistance." *(C–175)*

This plan is indicated in the document as having been superseded by new and more detailed plans following the meeting of November 5, 1937.

The plans of the conspirators were further revealed in two conversations held by William Bullitt, United States Ambassador to France with Schacht and with Goering in November, 1937. Both Schacht and Goering told Bullitt that Germany was determined to annex Austria. Goering further added that there could be no final solution of the Sudeten-German question other than inclusion in the Reich. (*L-151)*

D. *Pressure and Threats Resulting in Further Concessions: Berchtesgaden, 12 February 1938.*

Chancellor Schuschnigg states in an affidavit *(2995–PS)* that in 1938 von Papen suggested to him that he should meet Hitler at Berchtesgaden. After several discussions Schuschnigg agreed to go, provided three conditions were met:

(1) He must be invited by Hitler.

(2) He must be previously informed of the precise agenda and assured that the agreement of 11 July 1936 would be maintained.

(3*)* There was to be an agreement in advance that the communique to be published at the end of the meeting would affirm the 11 July 1936 agreement.

Von Papen brought back word from Hitler inviting Schuschnigg and agreeing with these conditions, particularly the maintenance of the July 1936 treaty. *(2995–PS)*

The official German communique of this conference between Hitler and Schuschnigg at Obersalzberg on 12 February 1938 was calm *(2461–PS)*. The communique stated that the unofficial meeting was caused by the mutual desire to clarify by personal conversations the questions relating to the relationship between the German Reich and Austria. The communique listed, as among those present, Schuschnigg and his Foreign Minister Schmidt, Hitler and his Foreign Minister Ribbentrop, and von Papen. The communique concluded: "Both statesmen are convinced that the measures taken by them constitute at the same time an effective contribution toward the peaceful development of the European situation." *(2461–PS)*. A similar communique was issued by the Austrian Government.

In fact, as a result of the conference great concessions were obtained by the German Government from Austria. The principal concessions are contained in the official Austrian communique dated 16 February 1938 *(2464–PS)*. The communique announced a reorganization of the Austrian Cabinet, including the appointment of Seyss-Inquart to the position of Minister of Security and Interior. In addition, announcement was made of a general political amnesty to Nazis convicted of crimes. *(2464–PS)*

Two days later, on 18 February 1938, another concession was divulged in the official German and Austrian communique concerning the equal rights of Austrian National Socialists in Austria (*2469–PS*). The communique announced that pursuant to the Berchtesgaden conference, the Austrian National Socialists would be taken into the Fatherland Front, the single legal political party of Austria.

Schuschnigg's affidavit on his Berchtesgaden visit on February 12, 1938 *(2995–PS)* points out that considerable pressure was brought to bear on him at the Berghof. Several Generals—Keitel, Sperrle, and Reichenau, names which were omitted from the formal communique later issued—were present on his arrival. The conference started with a two-hour conference between Schuschnigg and Hitler alone. Hitler made no precise demands but attacked Schuschnigg violently. In the words of the affidavit:

> "I furthermore state and affirm that, immediately after arriving at the Berghof, I commenced a conference with Hitler. Hitler and I were alone for two hours. Hitler attacked in a violent manner, the politics of Austria, both of the past and present. He furthermore informed me that he, Hitler, had 'decided to bring the Austrian question to a solution so-or-so, even if he had to immediately use military force.' At no time during the first two hours of our conversation did Hitler ever make any precise demands or requests of me, but spent the whole of the two hours accusing me and menacing me as a traitor to Austrian politics. Especially he informed me that, according to his knowledge, Austria could no longer reckon

> with any assistance from other European Powers, and that Austria now stood alone in the world. He furthermore added — 'Schuschnigg, you now have the chance to put your name alongside the names of other famous German leaders, such as Goering, Hess, Frick, Epp, Goebbels, and others.' * * * ". *(2995–PS)*

After Hitler's violent threats, Schuschnigg had discussions of a calmer nature with von Ribbentrop and von Papen. They talked soothingly and comfortingly to Schuschnigg but reached the same conclusion, that he should yield to German demands, which in practical effect meant Nazi control of the Government of Austria.

> "I furthermore state and affirm that I was next called before Joachim von Ribbentrop with my Secretary for Foreign Affairs, Guido Schmidt, and, in the presence of Franz von Papen, Ribbentrop exhibited to me a typewritten draft containing the conditions and demands made by Hitler upon me and Austria. He furthermore added that Hitler has informed me, Ribbentrop, 'that these demands that I now offer to you are the final demands of the Fuehrer and that he, Hitler, is not prepared to further discuss them'. He further stated that, 'you must accept the whole of these demands herein contained'. Ribbentrop then advised me to accept the demands at once. I protested, and referred him to my previous agreements with von Papen, made prior to coming to Berchtesgaden, and made it clear to Ribbentrop that I was not prepared to be confronted with such unreasonable demands as he had then and there placed before me. Von Papen, still present, apologized and informed me that he, von Papen, was entirely surprised and not at all informed about the aims of the Fuehrer as here laid down. He further stated, and informed me, that he, von Papen, could only offer his advice and that he should now accede to, and sign, these demands. He furthermore informed me that I could be assured that Hitler would take care that, if I signed these demands and acceded to them, that from that time on Germany would remain loyal to this Agreement and that there would be no further difficulties for Austria." *(2995–PS)*

Finally, after obtaining some minor concessions from Ribbentrop, Schuschnigg met with Hitler again. This time Hitler not only put pressure upon Schuschnigg, but also, upon learning that the approval of President Miklas of Austria was necessary, indicated clearly to Schuschnigg that military action would follow if Miklas did not approve the agreement. In the words of Schuschnigg's affidavit:

> "I further state and say, that I then went before Hitler again. Hitler was very excited and informed me that he would make a final test with Austria, and stated further: 'that you must fulfill the conditions of the demands made by me on you within three days, or else I will order the march into Austria.' I replied: 'I am not able to take over the obligation to fulfill your demands, for I am only the Chancellor of Austria, and that obligation you attempt to place upon me is the duty only of the Federal President, Miklas; I am only able to sign the draft and, when I arrive in Vienna, to present it to the Federal President'. Hitler then flung open the door and yelled 'Keitel'. At the same time, Hitler asked me to wait outside. Keitel then came in to Hitler. After twenty minutes or more I was again called before Hitler and, when before him, he, Hitler, informed me as follows: 'For the first time in my life, I have changed my mind. You must sign the demands that I have made upon you, then report them to the Federal President, Miklas, and within three days from now Austria must fulfill the Agreement, otherwise things will take their natural course'. I then agreed to sign the demands and, while waiting in Hitler's private room, he, Hitler, in an entirely changed mood, said to Franz von Papen, who was also present, 'Herr von Papen, through your assistance I was appointed Chancellor of Germany and thus the Reich was saved from the abyss of communism. I will never forget that'. Papen replied: '*Ja, wohl, Mein Fuehrer*'.
>
> "I furthermore say and affirm that I, in the presence of Ribbentrop, Guido Schmidt, von Papen, and Hitler, signed the demands, and retained a copy for the Austrian Government.
>
> "I further state and affirm that, on the way back to Vienna from Berchtesgaden, Franz von Papen accompanied me and my party. Between the Berghof and Berchtesgaden, von Papen informed me as follows: 'Now, you have your own impression of how excited the Fuehrer can get, but that happens very seldom, and I am convinced that the next time you meet him, you will have an amicable conversation with him.'" (*2995-PS*)

The pressure put on Schuschnigg at Berchtesgaden is also disclosed in von Papen's notes on his last meeting with Schuschnigg, on 26 February 1938, the last two paragraphs of which read:

> "I then introduced into the conversation the widespread opinion that he had acted under 'brutal pressure' in Berchtesgaden. I myself had been present and been able to state that he had always and at every point had complete freedom

> of decision. The Chancellor replied he had actually been under considerable moral pressure, he could not deny that. He had made notes on the talk which bore that out. I reminded him that despite this talk he had not seen his way clear to make any concessions, and I asked him whether without the pressure he would have been ready to make the concessions he made late in the evening. He answered: 'To be honest, no!' It appears to me of importance to record this statement." *(1544–PS)*

For diplomatic purposes von Papen, who had been at Berchtesgaden, kept up the pretense that there had been no pressure. But General Jodl, writing the account of current events for his diary, was more candid. This hand-written diary discloses not only the pressure at Berchtesgaden but also the fact that for some days thereafter, General Keitel and Admiral Canaris worked out a scheme for shamming military pressure, in order to coerce President Miklas into ratifying the agreement. And so the Nazi conspirators kept up the military pressure, with threats of invasion, for some days after the Berchtesgaden conference, in order to produce the desired effect on Miklas. *(1780–PS)*

The following entries, for Feb. 11—Feb. 14 were made in Jodl's diary:

> "*11 February*:
>
> "In the evening and on 12 February General K. with General V. Reichenau and Sperrle at the Obersalzberg. Schuschnigg together with G. Schmidt are again being put under heaviest political and military pressure. At 2300 hours Schuschnigg signs protocol.
>
> "*13 February*:
>
> "In the afternoon General K. asks Admiral C. and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval.
>
> "*14 February:*
>
> "At 2:40 o'clock the agreement of the Fuehrer arrives. Canaris went to Munich to the Counter-Intelligence office VII and initiates the different measures.
>
> "The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations." *(1780–PS)*

The proposals for deceptive maneuvers mentioned by Jodl were signed by Keitel. Underneath his signature appeared a pencilled note that the Fuehrer approved the proposals. Among the rumors which Keitel proposed for the intimidation of Austria were the following:

"1. To take no real preparatory measures in the Army or Luftwaffe. No troop movements or redeployments.

"2. Spread false, but quite credible news, which may lead to the conclusion of military preparations against Austria.

"*a.* through V-men (V-Maenner) in Austria,
"*b.* through our customs personnel (staff) at the frontier,
"*c.* through travelling agents.

"3. Such news could be:

"*a.* Furloughs are supposed to have been barred in the Sector of the VII A.K.
"*b.* (Rolling Stock) is being assembled in Munich, Augsburg, and Regensburg.
"*c.* Major General Muff, the Military Attache in Vienna has been called for a conference to Berlin. (As a matter of fact, this is the case).
"*d.* The Police Stations located at the frontier of Austria, have called up reinforcements.
"*e.* Custom officials report about the imminent maneuvers of the Mountain Brigade *(Gebirgsbrigade)* in the region of Freilassing, Reichenhall and Berchtesgaden." *(1775–PS)*

The pattern of intimidation and rumor was effective, for in due course, as is shown in the communiques already referred to, President Miklas ratified the Berchtesgaden agreement, which foreshadowed a National Socialist Austria.

E. *Events Culminating in the German Invasion on 12 March 1938.*

(1) *The Plebiscite.* The day after his appointment as Minister of the Interior, Seyss-Inquart flew to Berlin for a conference with Hitler. *(2484–PS)*

On 9 March 1938, three weeks after Seyss-Inquart had been put in charge of the police, Schuschnigg announced that he would hold a plebiscite throughout Austria on the following Sunday, 13 March 1938. The question was: "Are you for an independent and social, a Christian, German and united Austria?" A "yes" answer to this question was clearly compatible with the agreement made by the German Government on 11 July 1936, and carried forward at Berchtesgaden on 12 February 1938. Moreover, for a long while the Nazis had been demanding a plebiscite on the question of Anschluss. But the Nazis apparently appreciated the likelihood of a strong "yes" vote on the question put by Schuschnigg, and they could not tolerate the possibility of such a vote of confidence in the Schuschnigg Government. They took this occasion to overturn the Austrian Government.

Although the Plebiscite was not announced until the evening of 9 March, the Nazi Organization received word about it earlier in the day. It was determined by the Nazis that they had to ask Hitler what to do about the situation, and that they would prepare a letter of protest against the Plebiscite from Seyss-Inquart to Schuschnigg, and that pending Hitler's approval, Seyss-Inquart would pretend to negotiate with Schuschnigg about details of the plebiscite.

In the words of Gauleiter Rainer's report to Reichscommissioner Buerckel:

> "The *Landesleitung* received word about the planned plebiscite through illegal information services, on 9 March 1938 at 10 a. m. At the session which was called immediately afterwards, Seyss-Inquart explained that he had known about this for only a few hours, but that he could not talk about it because he had given his word to keep silent on this subject. But during the talks he made us understand that the illegal information we received was based on truth, and that in view of the new situation, he had been cooperating with the *Landesleitung* from the very first moment. Klausner, Jury, Rainer, Globocnik and Seyss-Inquart were present at the first talks which were held at 10 a. m. There it was decided that first, the Fuehrer had to be informed immediately; secondly, the opportunity for the Fuehrer to intervene must be given to him by way of an official declaration made by Minister Seyss-Inquart to Schuschnigg; and thirdly, Seyss-Inquart must negotiate with the government until clear instructions and orders were received from the Fuehrer. Seyss-Inquart and Rainer together composed a letter to Schuschnigg, and only one copy of it was brought to the Fuehrer by Globocnik, who flew to him on the afternoon of 9 March 1938." *(812–PS)*

(2) *Germany's Preparation for the Use of Force.* When news of the Plebiscite reached Berlin, it started a tremendous amount of activity. Hitler was determined not to tolerate the plebiscite. Accordingly, he called his military advisers and ordered preparation for the march into Austria. He made diplomatic prepara-

tions by explaining in a letter to Mussolini the reasons why he was going to march into Austria. In the absence of von Ribbentrop, who was temporarily detained in London, von Neurath took over the affairs of the Foreign Office again.

The terse and somewhat disconnected notes in General Jodl's diary give a vivid account of the activity in Berlin. The entry for the 10th of March 1938 reads:

> "By surprise and without consulting his ministers, Schuschnigg ordered a plebiscite for Sunday, 13, March, which should bring strong majority for the Legitimists in the absence of plan or preparation.
>
> "Fuehrer is determined not to tolerate it. The same night, March 9 to 10, he calls for Goering. General v. Reichenau is called back from Cairo Olympic Committee. General v. Schebert is ordered to come, as well as Minister Glaise Horstenau, who is with the District leader *(Gauleiter)* Buerckel in the Palatinate. General Keitel communicates the facts at 1:45. He drives to the Reichskanzlei at 10 o'clock. I follow at 10:15, according to the wish of General v. Viebahn, to give him the old draft.
>
> "Prepare case Otto.
>
> "1300 hours: General K informs Chief of Operational Staff (and) Admiral Canaris. Ribbentrop is being detained in London. Neurath takes over the Foreign Office.
>
> "Fuehrer wants to transmit ultimatum to the Austrian Cabinet. A personal letter is dispatched to Mussolini and the reasons are developed which force the Fuehrer to take action.
>
> "1830 hours: Mobilization order is given to the Command of the 8th Army (Corps Area 3) 7th and 13th Army Corps; without reserve Army." *(1780–PS)*

In a directive of the Supreme High Command of the Armed Forces, dated 11 March 1938 and initialed by Jodl and Keitel, Hitler stated his mixed political and military intentions:

> "1. If these measures prove unsuccessful, I intend to invade Austria with armed forces to establish constitutional conditions and to prevent further outrages against the pro-German population.
>
> * * * * * * *
>
> "4. The forces of the Army and Air Force detailed for this operation must be ready for invasion and/or ready for action on the 12th of March 1938 at the latest from 1200 hours.
>
> "I reserve the right to give permission for crossing and flying over the frontier, and to decide the actual moment for invasion.

> "5. The behavior of the troops must give the impression that we do not want to wage war against our Austrian brothers. It is in our interest that the whole operation shall be carried out without any violence but in the form of a peaceful entry welcomed by the population. Therefore any provocation is to be avoided. If, however, resistance is offered it must be broken ruthlessly by force of arms." *(C–102)*

An implementing directive of 11 March 1938 issued by Jodl provided further:

> "If Czechoslovakian troops or militia units are encountered in Austria, they are to be regarded as hostile.
>
> "The Italians are everywhere to be treated as friends especially as Mussolini has declared himself uninterested in the solution of the Austrian Question". *(C–103)*

The military preparations for invasion were complete.

(3) *The Events of 11 March in Austria.* The events of 11 March 1938 in Austria are available in three separate accounts. Although these accounts differ in some minor details, they afford each other almost complete corroboration with regard to the way in which the German Government deprived Austria of its sovereignty.

The first account is contained in a third affidavit executed by Schuschnigg *(2996–PS)*. Schuschnigg first states that he had been discussing the plebiscite with Seyss-Inquart, and that Seyss-Inquart had made some procedural objections but in general indicated his general willingness to support the plebiscite. Schuschnigg went to bed on March 10 thinking the plebiscite would be a success. But on the morning of March 11 he was told that traffic from Germany had stopped, and that German Army forces were moving to the border. After 10 a. m. Seyss-Inquart came to Schuschnigg's office with Glaise-Horstenau. Glaise-Horstenau had just come from Berlin and reported that Hitler was in a rage. *(2996–PS)*

Schuschnigg's affidavit then relates the three ultimatums presented by the German Government:

> "Seyss-Inquart was then and there called to the telephone and, upon his return, read to me from a scrap of paper which he held in his hand, the contents of a telephone call which he alleged was just then received by him from Goering in Berlin. The contents as he read it to me was as follows: 'The Chancellor must revoke the proposed plebiscite within the time of one hour, and after three or four weeks, Austria must oblige herself to carry out a plebiscite concerning the

Anschluss according to the SAAR status, otherwise the German Army is ordered to pass the Austrian frontier'.

"I further state and say that after informing the Federal President of this demand made on Austria by Germany, we decided to recall the Plebiscite, and thereupon I informed Seyss-Inquart and Glaise-Horstenau of our intentions.

"Seyss-Inquart said that he would go to the telephone and inform Goering in Berlin concerning the decision of the Austrian Government, at that time made. In a few minutes, he, Seyss-Inquart, returned to my office, and informed me further, as follows:

> 'I have had a telephone conversation with Goering, and Goering has ordered me to inform the Federal Chancellor Schuschnigg, as follows:

' "The situation can only be saved for Austria when Schuschnigg resigns as the Chancellor of Austria within two hours and Seyss-Inquart is appointed as the new Chief of the Austrian Government; if Seyss-Inquart does not inform me, Goering, within two hours, I, Goering, will suppose that you are hindered from doing so' ".

"I then reported to the Federal President the new developments, and, after some conversation with him and other members of the Government, I decided to resign. The Federal President reluctantly accepted my resignation at 3:30 p. m. on the afternoon of the 11th of March 1938. He expressed himself unwilling to appoint Seyss-Inquart as the Federal Chancellor — he therefore asked me to continue my duties as caretaker Chancellor until he had decided who would succeed me as Federal Chancellor. I accepted and remained as 'caretaker Chancellor' from 3:30 p. m., 11 March 1938 until about 11:30 p. m. the same night, when Seyss-Inquart was appointed to the position of Federal Chancellor.

"I further state and say that at about 3:30 p. m. on the afternoon of 11 March 1938, the Foreign Office of the Austrian Government contacted the Embassy of Germany in Vienna, to ascertain if the demands that had been then and there made by Goering on Austria were the official demands of the German Government. The Military Attache of Germany in Vienna, one Lieutenant General Muff, came before the Austrian Federal President, and repeated the contents of the German ultimatums that had previously been delivered to us by Seyss-Inquart.

"I furthermore state and say, that the Federal President, at about 7:30 or 8:00 o'clock p. m. on the night of 11 March

> 1938 ordered me, as caretaker Chancellor, to broadcast the events of the day and to protest against the demands made on Austria during that day by Germany. Furthermore, to inform the world that Austria had been forced to give in to those demands of Germany through superior force * * *." *(2996–PS)*

The report from Gauleiter Rainer to Reichscommissioner Buerckel also discusses the events of March 11. In general, Rainer's report corroborates Schuschnigg's affidavit. *(812–PS)*

Another document recalls vividly the events of 11 March 1938. This document, which was found in a building of the courtyard of the German Air Ministry, is a binder containing typed transcripts of some 27 telephone conversations, held in Goering's office in the Air Ministry on 11 March 1938 and up to 14 March 1938. Most of the conversations were conducted by Goering, although at least one was held by Hitler *(2949–PS)*. (For purposes of convenience these telephone calls are marked with an identifying letter, running from A through Z and then beginning again with AA).

The first group of conversations took place between Field Marshal Goering, who was identified as F., and Seyss-Inquart, who was identified as S. The transcript is in part in the language of these two persons and is in part a summary of the actual conversations. At 2:45 p. m. the following conversation occurred:

> "F: How do you do, doctor. My brother-in-law, is he with you?
>
> "S: No.
>
> "Thereupon the conversation took approximately the following turn:
>
> "F: How are things with you? Have you resigned, or do you have any news?
>
> "S. The Chancellor has cancelled the elections for Sunday, and therefore he has put S. and the other gentlemen in a difficult situation. Besides having called off the elections, extensive precautionary measures are being ordered, among others curfew at 8 p. m.
>
> "F: Replied that in his opinion the measures taken by Chancellor Schuschnigg were not satisfactory in any respect. At this moment he could not commit himself officially. F. will take a clear stand very shortly. In calling off the elections, he could see a postponement only, not a change of the present situation which had been brought about by the behavior of the Chancellor Schuschnigg in breaking the Berchtesgaden agreement.

> "Thereupon a conversation took place between F. and the Fuehrer. Afterwards F. phoned again S. This conversation was held at 15:05.
>
> "F: Told S. that Berlin did not agree whatsoever with the decision made by Chancellor Schuschnigg since he did not enjoy any more the confidence of our government because he had broken the Berchtesgaden agreement, and therefore further confidence in his future actions did not exist. Consequently, the National Minister, S. and the others, are being requested to immediately hand in their resignation to the Chancellor, and also to ask the Chancellor to resign. F. added that if after a period of one hour no report had come through the assumption would be made that S. would no more be in the position to phone. That would mean that the gentlemen had handed in their resignations. S. was then told to send the telegram to the Fuehrer as agreed upon. As a matter of course, an immediate commission by the Federal President for S. to form a new cabinet would follow Schuschnigg's resignation." *(2949–PS, Part A)*

Thus Goering told Seyss-Inquart that it was not enough for Schuschnigg to cancel the election. And twenty minutes later he telephoned Seyss-Inquart to state that Schuschnigg must resign. When informed at about an hour later that Schuschnigg had resigned, he pointed out that in addition it was necessary to have Seyss-Inquart at the head of the Cabinet.

An hour later Goering phoned Dombrowski at the German Embassy in Vienna. He was concerned that the Nazi Party and all its formations should be legalized promptly:

> "Goering: Now to go on. The Party has definitely been legalized?
>
> "Dombrowski: But that is * * * it isn't necessary to even discuss that.
>
> "Goering: With all of its organizations.
>
> "Dombrowski: With all of its organizations within this country.
>
> "Goering: In uniform?
>
> "Dombrowski: In uniform.
>
> "Goering: Good.
>
> "Dombrowski: calls attention to the fact that the SA and SS have already been on duty for one-half hour which means everything is all right." *(2949–PS, Part C)*

In addition Goering stated that the Cabinet must be formed by

7:30 p. m., and he transmitted instructions, to be delivered to Seyss-Inquart, as to who should be appointed to the cabinet:

"Goering: Yes, and by 7:30 he also must talk with the Fuehrer and as to the Cabinet, Keppler will bring you the names. One thing I have forgotten, Fishbeck must have the Department of Economy and Commerce.

"Dombrowski: That's understood.

"Goering: Kaltenbrunner is to have the Department of Security and Bahr is to have the armed forces. The Austrian Army is to be taken by Seyss-Inquart himself and you know all about the Justice Department.

"Dombrowski: Yes, yes.

"Goering: Give me the name.

"Dombrowski: Well, your brother-in-law. Isn't that right?

"Goering: Yes?

"Dombrowski: Yes.

"Goering: That's right and then also Fishbeck." *(2949-PS, Part C)*

About twenty minutes later, at 5:26 p. m., Goering received the news that Miklas was refusing to appoint Seyss-Inquart as Chancellor. He issued instructions for an ultimatum to be delivered to Miklas. The telephone conversation between Goering and Seyss-Inquart went as follows:

"G: Now remember the following: You go immediately together with Lt. General Muff and tell the Federal President that if the conditions which are known to you are not accepted immediately, the troops who are already stationed at and advancing to the frontier will march in tonight along the whole line, and Austria will cease to exist. Lt. General Muff should go with you and demand to be admitted for conference immediately. Please, do inform us immediately about Miklas' position. Tell him, there is no time now for any joke. Just through the false report we received before action was delayed, but now the situation is that tonight the invasion will begin from all the corners of Austria. The invasion will be stopped and the troops will be held at the border only if we are informed by 7:30 that Miklas has entrusted you with the Federal Chancellorship. (There follows a sentence which is broken up) M. does not matter whatever it might be, the immediate restoration of the Party with all its organizations (again interruption)

> and then call out all the National Socialists all over the country. They should now be in the streets. So remember, report must be given till 7:30. Lt. General Muff is supposed to come along with you. I shall inform him immediately. If Miklas could not understand it in 4 hours, we shall make him understand it now in 4 minutes." *(2949–PS, Part E)*

An hour later, at 6:28 p. m. Goering had an extensively interrupted telephone conversation with Keppler and Muff and Seyss-Inquart. When told that Miklas had refused to appoint Seyss-Inquart, Goering replied:

> "Goering: Well, then Seyss-Inquart has to dismiss him; just go upstairs again and just tell him plainly that SI shall call on the National Socialists guard, and in 5 minutes the troops will march in by my order". *(2949–PS, Part H)*

After an interruption, Seyss-Inquart came to the telephone and informed Goering that Miklas was still sticking to his old viewpoint, although a new person had gone in to talk to him and there might be definite word in about ten minutes. The conversation proceeded as follows:

> "G: Listen, so I shall wait a few more minutes, till he comes back, then you inform me via Blitz conversation in the Reich Chancellery—as usually, but it has to be done fast. I hardly can justify it as a matter of fact. I am not entitled to do so; if it cannot be done, then you have to take over the power; all right?
>
> "S. But if he threatens?
>
> "G. Yes.
>
> "S. Well, I see, then we shall be ready *(antreten)*.
>
> "G. Call me via Blitz." *(2949–PS, Part H)*

It is plain that Goering and Seyss-Inquart had agreed on a plan for Seyss-Inquart to take over power if Miklas remained obdurate. The plan involved both the use of the National Socialist forces in Austria and invasion by German troops.

Later that night, at about 8:00 o'clock, Goering and Seyss-Inquart had another conversation. This was after the ultimatum had expired. Seyss-Inquart informed Goering that Miklas was still refusing to name Seyss-Inquart as Chancellor. The conversation then proceeded as follows:

> "G: O.K. I shall give the order to march in and then you make sure that you get the power. Notify the leading people about the following which I shall tell you now! Everyone who offers resistance or organizes resist-

ance, will immediately be subjected to our court-martial, the court-martial of our invading troops. Is that clear?

"S: Yes.

"G: Including leading personalities, it doesn't make any difference.

"S: Yes, they have given the order, not to offer any resistance.

"G: Yes, it does not matter: The Federal President did not authorize you, and that also can be considered as resistance.

"S: Yes.

"G: Well, now you are officially authorized.

"S: Yes.

"G: Well, good luck, Heil Hitler." *(2949–PS, Part I)*

Another historical event—the famous telegram which Seyss-Inquart sent to the German Government requesting it to send troops into Austria to help put down disorder—was discussed over the telephone. A conversation held at 8:48 between Goering and Keppler proceeded as follows:

"G: Well, I do not know yet. Listen: The main thing is, that Inquart takes over all powers of the Government, that he keeps the radio stations occupied.

"K: Well, we represent the Government now.

"G: Yes, that's it. You are the Government. Listen carefully: The following telegram should be sent here by Seyss-Inquart. Take the notes:

'The provisional Austrian Government which after the dismissal of the Schuschnigg Government, consider it its task to establish peace and order in Austria, sends to the German Government the urgent request, to support it in its task and to help it to prevent bloodshed. For this purpose it asks the German Government to send German troops as soon as possible'.

"K: Well, SA and SS are marching through the streets, but everything is quiet. Everything has collapsed with the professional groups (?)" *(2949–PS, Part L)*

And a few minutes later the conversation continued as follows:

"G: Then our troops will cross the border today.

"K: Yes.

"G: Well, and he should send the telegram as soon as possible.

"K: Will send the telegram to SI in the office of the Federal Chancery.

"G: Please, show him the text of the telegram and do tell him that we are asking him—well, he does not even have to send the telegram—all he needs to do is to say: agreed.

"K: Yes.

"G: Either call me at the Fuehrer's or at my place. Well, good luck. Heil Hitler!" *(2949–PS, Part L)*

It will be recalled that in the first conversation (Part A), held at 3:05 p. m., Goering had requested Seyss-Inquart to send the telegram agreed upon. But now the matter was so urgent that Goering dictated the exact wording of the telegram over the telephone.

And an hour later, at 9:54 p.m., a conversation between Dr. Dietrich in Berlin and Keppler in Vienna went as follows:

"D: I need the telegram urgently.

"K: Tell the General Field Marshal that Seyss-Inquart agrees.

"D: This is marvelous. Thank you.

"K: Listen to the radio. News will be given.

"D: Where?

"K: From Vienna.

"D: So Seyss-Inquart agrees?

"K: *Jawohl!*" (*2949–PS, Part M*)

(4) *The Order to Invade Austria.* Communications with Austria were now suspended. But the German military machine had been set in motion. A Directive, dated 11 March 1938 at 2045 hours, from Supreme Commander of the Armed Forces, initialled by General Jodl and signed by Hitler, ordered the invasion of Austria because of its failure to comply with the German ultimatum. The directive reads:

"Re: Operation Otto

"Directive No. 2

"1. The demands of the German ultimatum to the Austrian government have not been fulfilled.

"2. The Austrian Armed Forces have been ordered to withdraw in front of the entry of German troops and to avoid fighting.

"The Austrian Government has ceased to function of its own accord.

"3. To avoid further bloodshed in Austrian towns, the entry of the German Armed Forces into Austria will commence, according to directive No. 1, at daybreak on 12.3.

"I expect the set objectives to be reached by exerting all forces to the full, as quickly as possible.

(signed) ADOLF HITLER" *(C–182)*

(5) *Communications with Rome—Avoidance of Disaster.* But at the very time that Hitler and Goering had embarked on this military undertaking, they still had a question mark in their minds —Italy. Italy had massed forces on the Italian-Austrian border on the occasion of the 25 July 1934 putsch. Italy had traditionally been the political protector of Austria.

At 10:25 p.m. that evening, however, Hitler heard from Prince Philip of Hessen, his Ambassador at Rome, that he had just returned from the Palazzo Venezia, and Mussolini had accepted the whole affair in a very friendly manner. The telephone conversation went thus:

"H: (Hessen) I have just come back from Palazzo Venezia. The Duce accepted the whole thing in a very-friendly manner. He sends you his regards. He had been informed from Austria, Schuschnigg gave him the news. He had then said it would be a complete impossibility. It would be a bluff, such a thing could not be done. So he was told that it was unfortunately arranged thus and it could not be changed any more. Then Mussolini said that Austria would be immaterial to him.

"F: (Fuehrer) Then, please, tell Mussolini, I will never forget him for this.

"H: Yes.

"F: Never, never, never, whatever happens. I am still ready to make a quite different agreement with him.

"H: Yes, I told him that, too.

"F: As soon as the Austrian affair has been settled, I shall be ready to go with him through thick and thin, nothing matters.

"H: Yes, my Fuehrer.

"F: Listen, I shall make any agreement—I am no longer in fear of the terrible position which would have existed militarily in case we had gotten into a conflict. You may tell him that I do thank him ever so much, never, never shall I forget that.

"H: Yes, my Fuehrer.

"F: I will never forget it, whatever will happen. If he should ever need any help or be in any danger, he can be convinced that I shall stick to him whatever might happen, even if the whole world were against him.

"H: Yes, my Fuehrer." (*2949–PS, Part N*)

It will be recalled that Jodl referred in his diary *(1780–PS)* to the letter which Hitler sent to Mussolini. In this letter, dated 11 March 1938, after stating that Austria had been declining into anarchy, Hitler wrote: "I have decided to reestablish order in my Fatherland, order and tranquility, and to give to the popular will the possibility of settling its own fate in unmistakable fashion openly and by its own decision." He stated that this was only an act of self-defense, that he had no hostile intentions toward Italy. *(2510–PS)*

After the invasion, when in Linz, Austria, Hitler communicated his gratitude to Mussolini once more, this time by telegraph: "Mussolini, I will never forget you for this." *(2467–PS)*

(6) *The Appointment of Seyss-Inquart as Chancellor.* Late in the evening of March 11, President Miklas appointed Seyss-Inquart as Chancellor. The radio announcement of Seyss-Inquart's appointment was made at 11:15 p.m. (*2465–PS*)

(7) *Later Communications with London—Misleading Explanations.* On Sunday, 13 March 1938, the day after the invasion, Goering, who had been left in charge of the Reich by Hitler, telephoned Ribbentrop in London. Their conversation disclosed the way in which the Nazis soothed and misled other nations:

"G: As you know the Fuehrer has entrusted me with the administration of the current government procedures *(Fuehrung der Regierungsgeschaft)*. And therefore I wanted to inform you. There is overwhelming joy in Austria, that you can hear over the radio.

"R: Yes, it is fantastic, isn't it?

"G: Yes, the last march into the Rhineland is completely overshadowed. The Fuehrer was deeply moved, when he talked to me last night. You must remember it was the first time that he saw his homeland again. Now, I mainly want to talk about political things. Well, this story we had given an ultimatum, that is just foolish gossip. From the very beginning the National Socialist ministers and the representatives of the people (*Volksreferenten*) have presented the ultimatum. Later on, more and more prominent people of the Movement Party participated, and as a natural result, the Austrian National Socialist ministers asked us to back them up, so they would not be completely beaten up against and be subjected to terror and civil war. Then we told them we would not allow Schuschnigg to provoke a civil war, under no circumstances. Whether by Schuschnigg's direct order, or with consent the Communists and the Reds had been armed, and were already making demonstrations, which were photographed with "Heil Moskau" and so on; naturally, all these facts caused some danger for Wiener-Neustadt. Then you have to consider that Schuschnigg made his speeches, telling them the Fatherland Front *(Vaterlandische Front)* would fight to its last man; one could not know that they would capitulate like that and therefore Seyss-Inquart who already had taken over the government asked us to march in immediately. Before we had already marched up to the frontier since we could not know whether there would be a civil war or not. These are the actual facts which can be proved by documents. * * *"

* * * * * *

"G: No, no, I think so, too. Only, I did not know if you spoke already to these people. I want that you once more, — but no — not at all once more, — but generally speaking — tell the following to Halifax and Chamberlain: It is not correct that Germany has given any ultimatum. This is a lie by Schuschnigg, because the ultimatum was presented to him by S-I, Glaise-Horstenau and Jury. Furthermore, it is not true that we have presented an ultimatum to the Federal President, but it also was given by the others and as far as I know just a military-attache came along, asked by S-I, because of a technical question; he was supposed to ask whether in case S-I would ask for the support of German troops, Germany would grant this request. Furthermore, I want to state that S-I asked us expressly by phone as by telegram to send troops because he did not know about the situation in Wiener-Neustadt, Vienna, and so on; because arms had been distributed there. And then he could not know how the Fatherland Front might react since they always had had such a big mouth.

"R: Mr. Goering, tell me, how is the situation in Vienna, is everything settled yet?

"G: Yes. Yesterday I landed hundreds of airplanes with some companies, in order to secure the airfield and

> they were received with joy. Today the advance unit of the 17 division marches in, together with the Austrian troops. Also I want to point out that the Austrian troops did not withdraw but that they got together and fraternized immediately with the German troops, wherever they were stationed." *(2949–PS, Part W)*

In view of the previous conversations, these are interesting explanations—that the ultimatum was made by Seyss-Inquart alone and not by Goering; that Lt. Gen. Muff, the military attache, came along merely to answer a technical question; and that Seyss-Inquart asked expressly by telephone and by telegram for troops. But perhaps this conversation can best be understood in light of the actual physical scene of time and place:

> "G: Well, do come! I shall be delighted to see you.
> "R: I shall see you this afternoon.
> "G: The weather is wonderful here. Blue sky. I am sitting here on my balcony—all covered with blankets—in the fresh air, drinking my coffee. Later on I have to drive in, I have to make the speech, and the birds are twittering, and here and there I can hear over the radio the enthusiasm, which must be wonderful over there.
> "R: That is marvelous." *(2949–PS, Part W)*

The British Foreign Office had protested the tactics employed by the German Government. In a letter dated 12 March 1938 Ambassador Neville Henderson, at the British Embassy, Berlin, wrote to Lord Halifax, Foreign Minister, as follows:

> "My Lord,
>
> "With reference to your telegram No. 79 of March 11th, I have the honor to transmit to Your Lordship herewith a copy of a letter which I addressed to Baron von Neurath in accordance with the instructions contained therein and which was delivered on the same evening.
>
> "The French Ambassador addressed a similar letter to Baron von Neurath at the same time." *(3045–PS)*

The enclosure was the note of March 11th from the British Embassy to Von Neurath and it reads as follows:

> "Dear Reich Minister,
>
> "My Government are informed that a German ultimatum was delivered this afternoon at Vienna demanding *inter alia,* the resignation of the Chancellor and his replacement by the Minister of the Interior, a new Cabinet of which two-thirds of the members were to be National Socialists, and the re-

> admission of the Austrian Legion to the country with the duty of keeping order in Vienna.
>
> "I am instructed by my Government to represent immediately to the German Government that if this report is correct, H.M.G. in the U.K. feel bound to register a protest in the strongest terms against such use of coercion backed by force against an independent State in order to create a situation incompatible with its national independence.
>
> "As the German Minister for Foreign Affairs has already been informed in London, such action is found to produce the greatest reactions of which it is impossible to foretell the issues." (*3045–PS*)

Von Neurath wrote a letter of response dated 12 March 1938. He first objected to the fact that the British Government was undertaking the role of protector of Austria's independence:

> "In the name of the German Government I must point out here that the Royal British Government has no right to assume the role of a protector of Austria's independence. In the course of diplomatic consultations on the Austrian question, the German Government never left any doubt with the Royal British Government that the formation of relations between Germany and Austria could not be considered anything but the inner concern of the German people and that it did not affect third Powers." *(3287–PS)*

Then, in response to the assertions regarding Germany's ultimatum, Von Neurath set out what he stated to be the true version of events:

> "* * * Instead, the former Austrian Chancellor announced, on the evening of the 9th of March, the surprising and arbitrary resolution, decided on by himself, to hold an election within a few days which, under the prevailing circumstances, and especially according to the details provided for the execution of the election, could and was to have the sole purpose of oppressing politically the predominant majority of the population of Austria. As could have been foreseen, this procedure, being a flagrant violation of the agreement of Berchtesgaden, led to a very critical point in Austria's internal situation. It was only natural that the members of the then Austrian Cabinet who had not taken part in the decision for an election protested very strongly against it. Therefore, a crisis of the Cabinet occurred in Vienna which, on the 11th of March, resulted in the resignation of the former Chancellor and in the formation of a new Cabinet. It is untrue that the Reich used forceful

> pressure to bring about this development. Especially the assertion which was spread later by the former Chancellor, that the German Government had presented the Federal President with a conditional ultimatum, is a pure invention; according to the ultimatum he had to appoint a proposed candidate as Chancellor and to form a Cabinet conforming to the proposals of the German Government, otherwise the invasion of Austria by German troops was held in prospect. The truth of the matter is that the question of sending military or police forces from the Reich was only brought up when the newly formed Austrian Cabinet addressed a telegram, already published by the press, to the German Government, urgently asked for the dispatch of German troops as soon as possible in order to restore peace and in order to avoid bloodshed. Faced with the immediately threatening danger of a bloody civil war in Austria, the German Government then decided to comply with the appeal addressed to it.
>
> "This being the state of affairs, it is impossible that the attitude of the German Government, as asserted in your letter, could lead to some unforeseeable reactions. A complete picture of the political situation is given in the proclamation which, at noon today, the German Reich Chancellor has addressed to the German people. Dangerous reactions to this situation can take place only if eventually a third party should try to exercise its influence, contrary to the peaceful intentions and legitimate aims of the German Government on the shaping of events in Austria, which would be incompatible with the right of self-government of the German people." *(3287–PS)*

In light of the documents already adverted to, this version of events given by von Neurath is palpably untrue.

F. *The Invasion and Absorption of Austria.*

(1) *The Invasion and Immediate Events: Control of Austria in Fact.* In accordance with the directive of March 11 *(C–182)*, the German Army crossed the Austrian border at daybreak on 12 March 1938. Hitler issued a proclamation to the German people announcing and purporting to justify the invasion *(TC–47)*. The British Government and the French Government filed protests.

The German Government and the Austrian National Socialists swiftly secured their grip on Austria. Seyss-Inquart welcomed Hitler at Linz and they both expressed their joy over events of the day. Seyss-Inquart in his speech declared Article 88 of the Treaty of St. Germain inoperative. *(2485–PS)*

A telegram from the American Legation in Vienna to the Secretary of State, on 12 March 1938, gave a picture of what was happening in Vienna:

> "Secretary of State,
> Washington.
> 70, March 12, noon.
>
> "Numerous German bombers flying over Vienna dropping leaflets 'National Socialist Germany greets its possession National Socialist Austria and its new government in true indivisible union'.
>
> "Continual rumors small German troop movements into Austria and impending arrival Austrian legion.
>
> "SS and SA in undisputed control in Vienna.
>
> "Police wear swastika arm bands. Schuschnigg and Schmidt rumored arrested.
>
> "Himmler and Hess here.
>
> WILEY" *(L–292)*

(2) *Statutes of Consolidation: Control of Austria in Law.* The law-making machine was put to work on the task of consolidation. First, Miklas was caused to resign as President (*2466–PS*). Seyss-Inquart became both Chancellor and President. He then signed a Federal Constitutional Law of 13 March 1938, for the Reunion of Austria with the German Reich, which in turn was incorporated into the Reich Statute of Reunion passed the same day *(2307–PS)*. This Federal Constitutional Law declared Austria to be a province of the German Reich.

By annexing Austria into the German Reich, Germany violated Article 80 of the Treaty of Versailles, which provides:

> "Germany acknowledges and will respect the independence of Austria within the frontier which may be fixed in a treaty between that State and the principle Allied and Associated Powers; she agrees that this independence shall be inalienable, * * *"

Similarly, the Austrian invasion violated Article 88 of the Treaty of St. Germain, which provides:

> "The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power."

This basic constitutional law provided for a plebiscite to be held on 10 April 1938, concerning the question of reunion. But this was a mere formality. The plebiscite could only confirm the union. It could not undo Germany's union with and control over Austria. To illustrate the way in which legal consolidation was swiftly assured, with Austria occupied by troops, it is not necessary to do more than review some of the statutes passed within the month. Hitler placed the Austrian Federal Army under his command and required all members of the Army to take an oath of allegiance to Hitler as their Supreme Commander *(2936–PS)*. Public officials of the Province of Austria were required to take an oath of office swearing obedience to Hitler, Fuehrer of the German Reich and People; Jewish officials, as defined, were not permitted to take the oath. (*2311–PS*)

Hitler and Frick signed a decree applying to Austria various Reich laws, including the law of 1933 against formation of new parties and the 1933 law for the preservation of unity of party and state (*2310–PS*). Hitler, Frick, and Goering ordered that the Reich Minister of the Interior be the central authority for carrying out the reunion of Austria with the German Reich. (*1060–PS*)

In connection with Germany's extensive propaganda campaign to ensure acceptability of the German regime, Goebbels established a Reich Propaganda Office in Vienna (*2935–PS*). The ballot, addressed to soldiers of the former Austrian Army as "German soldier", asked the voters whether they agreed with the "accomplishment" and "ratification" on March 13, 1938, of the reuniting of Austria with Germany *(1659–PS)*. The groundwork was fully laid before the holding of the plebiscite "for German men and women of Austria" promised in the basic law of March 13. *(2307–PS)*

(3) *The Importance of Austria in Further Aggressions.* Germany's desire to consummate the Anschluss with Austria, and its determination to execute that aim in the way and at the time that it did (with threat of military force, quickly, and despite political risks), was due to the importance of Austria in its further plans of aggression. The conference of the conspirators held on November 5, 1937, which laid plans for aggressive war in Europe, outlined as objectives in Austria the conquest of food, through expulsion of a million people, and an increase in fighting strength in part through the improvement in frontier. *(386–PS)*

Austria yielded material resources. Moreover she provided ready cash, taken from the Jews and from the Austrian Government. One of the first orders passed after the Anschluss was an order signed by Hitler, Frick, Schwerin von Krosigk, and Schacht, for the transfer to the Reich of the assets of the Austrian National Bank. *(2313–PS)*

Austria yielded human resources. Three months after Anschluss, there was enacted a decree requiring 21-year-old men to report for active military service. *(1660–PS)*

And the acquisition of Austria improved the military strategic position of the German Army. In a lecture delivered by General Jodl, Chief of the General Staff of the Armed Forces, on 7 November 1943, at Munich, to the Gauleiters, Jodl reviewed the situation in 1938:

> "The Austrian 'Anschluss' in its turn, brought with it not only the fulfilment of an old national aim but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected in a most menacing way right into Germany (a wasp waist in the direction of France and an air base for the Allies, in particular Russia), Czechoslovakia herself was now enclosed by pincers. Its own strategic position had now become so unfavorable that she was bound to fall a victim to any attack pressed home with rigor before effective aid from the WEST could be expected to arrive." *(L–172)*

The Nazi conspirators were now ready to carry out the second part of their second phase of their aggressions. Czechoslovakia was next.

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*L–172	"The Strategic Position at the Beginning of the 5th Year of War", a lecture delivered by Jodl on 7 November 1943 at Munich to Reich and Gauleiters. (USA 34)	VII	920
*L–273	Report of American Consul General in Vienna to Secretary of State, 26 July 1938, concerning anniversary of assassination of Chancellor Dollfuss. (USA 59)	VII	1094
L–281	Text of Schuschnigg radio address of 11 March 1938, contained in telegram from American Legation in Vienna to the Secretary of State, 11 March 1938	VII	1096
L–291	Telegram from American Embassy Berlin to Secretary of State, 11 March 1938, concerning Austrian situation	VII	1097
*L–292	Telegram of American Consul General in Vienna to Secretary of State, 12 March 1938, concerning propaganda dropped over Vienna. (USA 78)	VII	1098
L–293	Telegram from American Legation in Vienna to Secretary of State, 12 March 1938	VII	1098
*TC–22	Agreement between Austria and German Government and Government of Federal State of Austria, 11 July 1936. (GB 20)	VIII	369
*TC–26	German assurance to Austria, 21		

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	May 1935, from Documents of German Politics, Part III, p. 94. (GB 19)	VIII	376
TC–47	Hitler's Proclamation of Invasion of Austria, 12 March 1938	VIII	398
Affidavit H	Affidavit of Franz Halder, 22 November 1945	VIII	643
**Chart No. 11	Aggressive Action 1938–39. (Enlargement displayed to Tribunal.)	VIII	780
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**Chart No. 13	Violations of Treaties, Agreements and Assurances. (Enlargement displayed to Tribunal.)	VIII	782

4. THE EXECUTION OF THE PLAN TO INVADE CZECHOSLOVAKIA

A. *Development of the Nazi Program of Aggression.*

In the period 1933-1936 the conspirators had initiated a program of rearmament designed to give the Third Reich military strength and political bargaining power to be used against other nations. Furthermore, beginning in the year 1936 they had embarked on a preliminary program of expansion which, as it turned out, was to last until March 1939. This program was intended to shorten Germany's frontiers, to increase its industrial and food reserves, and to place it in a position, both industrially and strategically, from which the Nazis could launch a more ambitious and more devastating campaign of aggression. At the moment, in the early spring of 1938, when the Nazi conspirators first began to lay concrete plans for the conquest of Czechoslovakia they had reached approximately the halfway point in this preliminary program.

The preceding autumn, at the conference in the Reichs Chancellery on 5 November 1937, Hitler had set forth the program which Germany was to follow. The events of this conference are contained in the so-called Hossbach minutes. The question for Germany, as the Fuehrer had informed his military commanders at this meeting, is where the greatest possible conquest can be made at the lowest cost *(386–PS)*. At the top of his agenda stood two countries: Austria and Czechoslovakia. On 12 March 1938 Austria was occupied by the German Army, and on the following day it was annexed to the Reich. The time had come for a redefinition of German intentions toward Czechoslovakia.

A little more than a month later Hitler and Keitel met to discuss plans for the envelopment and conquest of the Czechoslovak State. On 21 April 1938, Hitler and Keitel discussed the pretexts which Germany might develop to serve as an excuse for a sudden and overwhelming attack. They considered the provocation of a period of diplomatic squabbling which, growing more serious, would lead to the excuse for war. In the alternative, and this alternative they found to be preferable, they planned to unleash a lightning attack as the result of an "incident" of their own creation. Consideration was given to the assassination of the German Ambassador at Prague to create the requisite incident. The necessity of propaganda to guide the conduct of Germans in Czechoslovakia and to intimidate the Czechs was recognized. Problems of transport and tactics were discussed with a view to overcoming all Czechoslovak resistance within four days, thus presenting the world with a fait accompli and forestalling outside intervention. (*388–PS, Item 2*)

Thus in mid-April 1938 the designs of the Nazi conspirators to conquer Czechoslovakia had already reached the stage of practical planning.

B. *The Background of Friendly Diplomatic Relations.*

This conspiracy must be viewed against a background of amicable German-Czech diplomatic relations. Although they had in the fall of 1937 determined to destroy the Czechoslovak State, the leaders of the German government were bound by a treaty of arbitration and by assurances freely given to observe the sovereignty of Czechoslovakia. By a formal treaty signed at Locarno on 16 October 1925, Germany and Czechoslovakia agreed, with certain exceptions, to refer to an arbitral tribunal or to the Permanent Court of International Justice,

> " * * * all disputes of every kind between Germany and Czechoslovakia with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy. * * * " *(TC–14)*

The preamble of this treaty stated:

> "The President of the German Empire and the President of the Czechoslovak Republic; equally resolved to maintain

> peace between Germany and Czechoslovakia by assuring the peaceful settlement of differences which might arise between the two countries; declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals; agreeing to recognize that the rights of a State cannot be modified save with its consent; and considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States; have decided to embody in a treaty their common intentions in this respect. * * * " *(TC–14)*

Formal and categoric assurances of their good will toward Czechoslovakia were forthcoming from the Nazi conspirators as late as March 1938. On 11 and 12 March 1938, at the time of the annexation of Austria, Germany had a considerable interest in inducing Czechoslovakia not to mobilize. At this time Goering assured M. Mastny, the Czechoslovak Minister in Berlin, on behalf of the German Government that German-Czech relations were not adversely affected by the developments in Austria and that Germany had no hostile intentions toward Czechoslovakia. As a token of his sincerity Goering accompanied his assurance with the statement: *"Ich gebe Ihnen mein Ehrenwort"* ("I give you my word of honor") (*TC–27*). At the same time von Neurath, who was handling German foreign affairs during Ribbentrop's stay in London, assured M. Mastny on behalf of Hitler and the German government that Germany still considered herself bound by the Arbitration Convention of 1925 *(TC–27)*.

C. *Planning for Aggression.*

Behind the screen of these assurances the Nazi conspirators proceeded with their military and political plans for aggression. Ever since the preceding fall it had been established that the immediate aim of German policy was the elimination of Austria and Czechoslovakia. In both countries the Nazi conspirators planned to undermine the will to resist by propaganda and by fifth column activities, while the actual military preparations were being developed. The Austrian operation, which received priority for political and strategic reasons, was carried out in February and March 1938. Thenceforth *Wehrmacht* planning was devoted to Case Green *(Fall Gruen)*, the designation given to the operation against Czechoslovakia.

The military plans for Case Green had been drafted in outline form as early as June 1937. The OKW top secret "Directive for the Unified Preparation of the Armed Forces for War", signed by von Blomberg on 24 June 1937 and promulgated to the Army, Navy, and Luftwaffe for the year beginning 1 July 1937, included as a probable warlike eventuality, for which a concentration plan was to be drafted, Case Green ("War on two fronts with the main struggle in the southeast") *(C–175)*. The original section of this directive dealing with the "probable war" against Czechoslovakia—it was later revised—opens with this supposition:

> "The war in the east can begin with a surprise German operation against Czechoslovakia in order to parry the imminent attack of a superior enemy coalition. The necessary conditions to justify such an action politically and in the eyes of international law must be created beforehand." *(C–175)*

After detailing possible enemies and neutrals in the event of such action, the directive continues as follows:

> "2. The task of the German Armed Forces is to make their preparations in such a way that the bulk of all forces can break into Czechoslovakia quickly, by surprise, and with the greatest force, while in the West the minimum strength is provided as rear cover for this attack.
>
> "The aim and object of this surprise attack by the German Armed Forces should be to eliminate from the very beginning, and for the duration of the war, the threat by Czechoslovakia to the rear of the operations in the West, and to take from the Russian Air Force the most subtantial portion of its operational base in Czechoslovakia. This must be done by the defeat of the enemy armed forces and the occupation of Bohemia and Moravia." *(C–175)*

The introduction to this directive sets forth as one of its guiding principles the following statement:

> "The politically fluid world sitution, which does not preclude surprising incidents, demands constant preparedness for war on the part of the German Armed Forces * * * to make possible the military exploitation of politically favorable opportunities should they occur." (*C–175*)

It ordered further work on the plan for mobilization without public announcement "in order to put the Armed Forces in a position to be able to begin a war suddenly which will take the enemy by surprise both as regards strength and time of attack." *(C–175)*. This directive is, of course, a directive for staff planning. But the nature of the planning, and the very tangible and ominous developments which resulted from it, give it a significance that it would not have in another setting.

Planning along the lines of this directive was carried forward during the fall of 1937 and the winter of 1937-1938. On the political level this planning for the conquest of Czechoslovakia received the approval and support of Hitler in the conference with his military commanders-in-chief on 5 November 1937 *(386–PS)*. In early March 1938, before the march into Austria, Ribbentrop and Keitel were concerned over the extent of the information about war aims against Czechoslovakia to be furnished to Hungary. On 4 March 1938 Ribbentrop wrote to Keitel, enclosing for Keitel's confidential cognizance the minutes of a conference with Sztojay, the Hungarian ambassador to Germany, who had suggested an interchange of views *(2786–PS)*. An acknowledgment of the receipt of this letter was signed by Keitel on 5 March. In his letter to Keitel, Ribbentrop said:

> "I have many doubts about such negotiations. In case we should discuss with Hungary possible war aims against Czechoslovakia, the danger exists that other parties as well would be informed about this. I would greatly appreciate it if you would notify me briefly whether any commitments were made here in any respect." *(2786–PS)*

D. *Development of Specific Plans.*

At the 21 April meeting between Hitler and Keitel, specific plans for the attack on Czechoslovakia were discussed for the first time *(388–PS, Item 2)*. This meeting was followed in the late spring and summer of 1938 by a series of memoranda and telegrams advancing Case Green. These notes and communications were carefully filed at Hitler's headquarters by Major Schmundt, the Fuehrer's military adjutant, and were captured by American troops in a cellar at Obersalzberg, Hitler's headquarters, near Berchtesgaden. This file, preserved intact, is document *(388–PS)*.

The individual items in this file tell more graphically than any narrative the progress of the Nazi conspirators' planning to launch an unprovoked war against Czechoslovakia. From the start the Nazi leaders displayed a lively interest in intelligence data concerning Czechoslovak armament and defense. This interest is reflected in *Item 4* of the Schmundt file, a telegram from Colonel Zeitzler in General Jodl's office of the OKW to Schmundt at Hitler's headquarters; *Item 12,* Short survey of Armament of the Czech Army, dated Berlin 9 June 1938 and initialed "Z" for Zeitzler; and *Item 13,* Questions of the Fuehrer, dated Berlin, 9 June 1938 and classified "Most Secret". The following are four of the questions on which Hitler wanted authoritative information:

> "Question 1: Armament of the Czech Army?
>
> "Question 2: How many battalions, etc., are employed in the West for the construction of emplacements?
>
> "Question 3: Are the fortifications of Czechoslovakia still occupied in unreduced strength?
>
> "Question 4: Frontier protection in the West?" *(388–PS, Item 13)*

These questions were answered in detail by the OKW and initialed by Colonel Zeitzler of Jodl's staff.

As a precaution against French and British action during the attack on Czechoslovakia, it was necessary for the Nazi conspirators to rush the preparation of fortification measures along the western frontier of Germany. A telegram, presumably sent from Schmundt in Berchtesgaden to Berlin, read in part as follows:

> "Inform Colonel General von Brauchitsch and General Keitel: * * *. The Fuehrer repeatedly emphasized the necessity of pressing forward greatly the fortification work in the west." *(388–PS, Item 8)*

In May, June, July, and August of 1938 conferences between Hitler and his political and military advisers resulted in the issuance of a series of constantly revised directives for the attack. It was decided that preparations for X-day, the day of the attack, should be completed no later than 1 October.

On the afternoon of 28 May 1938 Hitler called a conference of his principal military and political advisers in the winter garden of the Reichs Chancellery in Berlin. This conference was the occasion on which Hitler made known to the inner circle of the Nazi conspirators the outlines of his plan to attack Czechoslovakia and issued the necessary instructions. The meeting is described in an affidavit of Fritz Wiedemann, who at that time was Hitler's adjutant:

> "FRITZ WIEDEMANN, being first duly sworn, deposes and says as follows:
>
> "From the month of January 1935 to January 1939 I served as adjutant to Hitler. In this time my duties were to handle correspondence and complaints addressed to the Fuehrer's office. Occasionally I attended conferences held by the Fuehrer.
>
> "I recall that on the afternoon of 28 May 1938 Hitler called a conference in the winter garden of the Reichs Chancellery of all the people who were important, from the Foreign Office, the Army, and the Command Staffs. Those present at this conference, as I recall, included Goering, Ribbentrop, von Neurath, General Beck, Admiral Raeder, General Keitel,

> and General von Brauchitsch. On this occasion Hitler made the following statement: 'It is my unshakable will that Czechoslovakia shall be wiped off the map.' Hitler then revealed the outlines of the plan to attack Czechoslovakia. Hitler addressed himself to the Generals, saying: 'So, we will first tackle the situation in the East. Then I will give you three to four years' time, and then we will settle the situation in the West.' The situation in the West was meant to be the war against England and France.
>
> "I was considerably shaken by these statements, and on leaving the Reichs Chancellery I said to Herr von Neurath: 'Well, what do you say to these revelations?' Neurath thought that the situation was not so serious as it appeared and that nothing would happen before the spring of 1939.
>
> "/s/ Fr. Wiedemann."
> *(3037–PS)*

In the months after the occupation of the Sudetenland Hitler made no secret of this meeting. In a speech before the Reichstag on 30 January 1939, Hitler spoke as follows:

> "On account of this intolerable provocation which had been aggravated by a truly infamous persecution and terrorization of our Germans there, I had resolved to solve once and for all, and this time radically, the Sudeten German question. On May 28 I ordered (1) that preparations should be made for military action against this state by October 2. I ordered (2) the immense and accelerated expansion of our defensive front in the West." *(2360–PS)*

Hitler also referred to this conference in his meeting with President Hacha on 15 March 1939. *(2798–PS)*

Two days after this conference, on 30 May 1938, Hitler issued the revised military directive for Case Green. This directive is *Item 11* in the Schmundt file *(388–PS)*. Entitled "Two front war with main effort in the Southeast," this directive replaced the corresponding section, Part 2, Section II, of the "Directive for Unified Preparation for War" promulgated by von Blomberg on 24 June 1937 (*C–175*). This directive represented a further development of the ideas for political and military action discussed by Hitler and Keitel in their conference on 21 April. It is an expansion of a rough draft submitted by Keitel to Hitler on 20 May, which may be found as *Item 5* in the Schmundt file (*388–PS*). It was signed by Hitler. Only five copies were made. Three copies were forwarded with a covering letter from Keitel to General von Brauchitsch for the Army, to Raeder for the Navy, and to Goering for the Luftwaffe. In his covering memorandum Keitel noted that its execution must be assured "as from 1 October 1938 at the latest". *(388–PS, Item 11)*

This document, which is the basic directive under which the *Wehrmacht* carried out its planning for Case Green, reads as follows:

> "1. *Political Prerequisites.*
>
> "It is my unalterable decision to smash Czechoslovakia by military action in the near future. It is the job of the political leaders to await or bring about the politically and militarily suitable moment.
>
> "An inevitable development of conditions inside Czechoslovakia or other political events in Europe creating a surprisingly favorable opportunity and one which may never come again may cause me to take early action.
>
> "The proper choice and determined and full utilization of a favorable moment is the surest guarantee of success. Accordingly the preparations are to be made at once.
>
> "2. *Political Possibilities for the Commencement of the Action.*
>
> "The following are necessary prerequisites for the intended invasion:
>
> "*a.* suitable obvious cause and, with it
> "*b.* sufficient political justification,
> "*c.* action unexpected by the enemy, which will find him prepared to the least possible degree.
>
> "From a military as well as a political standpoint the most favorable course is a lightning-swift action as the result of an incident through which Germany is provoked in an unbearable way for which at least part of world opinion will grant the moral justification of military action.
>
> "But even a period of tension, more or less preceding a war, must terminate in sudden action on our part—which must have the elements of surprise as regards time and extent—before the enemy is so advanced in military preparedness that he cannot be surpassed.
>
> "3. *Conclusions for the Preparation of "Fall Gruen".*
>
> *a.* For the *Armed War* it is essential that the surprise element as the most important factor contributing to success be made full use of by appropriate preparatory measures already in peace-time and by an unexpectedly rapid course of the action. Thus it is essential to create a situation within the first four days which plainly demonstrates, to hostile nations eager to intervene, the hopelessness of the Czechoslovakian military situation and which at the same

time will give nations with territorial claims on Czechoslovakia an incentive to intervene immediately against Czechoslovakia. In such a case, intervention by Poland and Hungary against Czechoslovakia may be expected, especially if France—due to the obvious pro-German attitude of Italy—fears, or at least hesitates, to unleash a European war by intervening against Germany. Attempts by Russia to give military support to Czechoslovakia mainly by the Air Force are to be expected. If concrete successes are not achieved by the land operations within the first few days, a European crisis will certainly result. This knowledge must give commanders of all ranks the impetus to decided and bold action.

"*b.* The *Propaganda War* must on the one hand intimidate Czechoslovakia by threats and soften her power of resistance, on the other hand issue directions to national groups for support in the Armed War and influence the neutrals into our way of thinking. I reserve further directions and determination of the date.

"4. *Tasks of the Armed Forces.*

"Armed Forces Preparations are to be made on the following basis:

"*a.* The mass of all forces must be employed against Czechoslovakia.

"*b.* For the West, a minimum of forces are to be provided as rear cover which may be required, the other frontiers in the East against Poland and Lithuania are merely to be protected, the Southern frontiers to be watched.

"*c.* The sections of the army which can be rapidly employed must force the frontier fortifications with speed and decision and must break into Czechoslovakia with the greatest daring in the certainty that the bulk of the mobile army will follow them with the utmost speed. Preparations for this are to be made and timed in such a way that the sections of the army which can be rapidly employed cross the frontier at the appointed time *at the same time* as the penetration by the Air Force before the enemy can become aware of our mobilization.

"For this, a timetable between Army and Air Force is to be worked out in conjunction with OKW and submitted to me for approval.

"5. *Missions for the branches of the Armed Forces.*

"*a. Army:* The basic principle of the surprise attack against Czechoslovakia must not be endangered by the inevitable time required for transporting the bulk of the field forces by rail nor the initiative of the Air Force be wasted. Therefore it is first of all essential to the army that as many assault columns as possible be employed at the same time as the surprise attack by the Air Force. These assault columns —the composition of each, according to their tasks at that time—must be formed with troops which can be employed rapidly owing to their proximity to the frontier or to motorization and to special measures of readiness. It must be the purpose of these thrusts to break into the Czechoslovakian fortification lines at numerous points and in a strategically favorable direction, to achieve a breakthrough or to break them down from the rear. For the success of this operation, cooperation with the Sudeten German frontier population, with deserters from the Czechoslovakian army, with parachutists or airborne troops and with units of the sabotage service will be of importance. The bulk of the army has the task of frustrating the Czechoslovakian plan of defense, of preventing the Czechoslovakian army from escaping into Slovakia, of forcing a battle, of beating the Czechoslovakian army and of occupying Bohemia and Moravia speedily. To this end a thrust into the heart of Czechoslovakia must be made with the strongest possible motorized and armored units using to the full the first successes of the assault columns and the effects of the Air Force operations. The rear cover provided for the *West* must be limited in numbers and quality to the extent which suits the present state of fortifications. Whether the units assigned this will be transported to the Western frontier immediately or held back for the time being will be decided in my special order. Preparations must however, be made to enable security detachments to be brought up to the Western frontier even during the strategic concentration 'Gruen'. Independent of this, a first security garrison must be improvised from the engineers at present employed in constructing fortifications and from formations of the Labor Corps. The *remaining frontiers* as well as East Prussia, are to be only weakly protected. But, always depending on the political situation, the transfers by sea, of a part or even the bulk of the active forces of East Prussia, into the Reich must be taken into account.

"*b. Air Force.* While leaving a minimum of defensive forces in the West, the Air Force is to be employed in bulk in a surprise attack against Czechoslovakia. The frontier is to be flown over at the same time as it is crossed by the first section of the Army * * *." (*388–PS, Item 11*)

After detailed instructions for action by the Luftwaffe and by the Navy the directive continues as follows:

> "In war economy it is essential that in the field of the armament industry a maximum-deployment of forces is made possible through increased supplies. In the course of operations, it is of value to contribute to the reinforcement of the total war-economic strength by rapidly reconnoitering and restarting important factories. For this reason the sparing of Czechoslovakian industrial and works installations — insofar as military operations permit — can be of decisive importance to us." *(388–PS, Item 11)*

In other words, the Nazi conspirators, four months before the date of their planned attack, were already looking forward to the contribution which the Czech industrial plant would make to the Nazi war economy. The last paragraph of this directive reads as follows:

> "All preparations for sabotage and insurrection will be made by OKW. They will be made, in agreement with and according to the requirement of the branches of the Armed Forces, so that their effects accord with the operations of the Army and Air Force.
>
> "(Signed) ADOLF HITLER
> "Certified copy
> "(Signed) Zeitzler
> "Oberstleutnant on the General Staff."
> *(388–PS, Item 11)*

Three weeks later, on 18 June 1938, a draft for a new directive was prepared and initialed by Keitel. It does not supersede the 30 May directive. It reads, in part:

> "The immediate aim is a solution of the Czech problem by my own, free decision; this stands in the foreground of my political intentions. I am determined to use to the full every favorable political opportunity to realize this aim."

* * * * * * *

> "However, I will decide to take action against Czechoslovakia only if I am firmly convinced as in the case of the occupation of the demilitarized zone and the entry into Austria that France will not march and therefore England will not intervene."

* * * * * * *

> "The directives necessary for the prosecution of the war itself will be issued by me from time to time."
>
> "K [Initialed by Keitel]
> "Z [Initialed by Zeitzler]"
> *(388–PS, Item 14)*

The second and third parts of this directive contain general directions for the deployment of troops and for precautionary measures in view of the possibility that, during the execution of Case Green, France or England might declare war on Germany. Six pages of complicated schedules which follow this draft in the original have not been translated into English. These schedules, which constitute *Item 15* in the Schmundt file *(388–PS)*, give a time table of specific measures for the preparation of the Army, Navy, and Luftwaffe for the contemplated action.

Corroboration for the documents in the Schmundt file is found in three entries in General Jodl's diary written in the spring of 1938 *(1780–PS)*. Although the first entry is not dated, it appears to have been written several months after the annexation of Austria:

> "After annexation of Austria, the Fuehrer mentions that there is no hurry to solve the Czech question because Austria has to be digested first. Nevertheless preparations for Case Green will have to be carried out energetically; they will have to be newly prepared on the basis of the changed strategic position because of the annexation of Austria. State of preparations (see memorandum L I a of 19 April) reported to the Fuehrer on 21 April.
>
> "The intention of the Fuehrer not to touch the Czech problem as yet is changed because of the Czech strategic troop concentration of 21 May, which occurs without any German threat and without the slightest cause for it.
>
> "Because of Germany's self restraint, its consequences lead to a loss of prestige of the Fuehrer, which he is not willing to take once more. Therefore, the new order is issued for 'green' on 30 May."

* * * * * * *

> *"23 May*:
>
> "Major Schmundt reports ideas of the Fuehrer. Further conferences, which gradually reveal the exact intentions of the Fuehrer take place with the Chief of the Armed Forces High Command (OKW) on 28 May, 3 and 9 June, see enclosures. (War Diary L)."

* * * * * * *

> *"30 May*:
>
> "The Fuehrer signs directive Green, where he states his final decision to destroy Czechoslovakia soon and thereby initiates military preparation all along the line. The previous intentions of the Army must be changed considerably in the direc-

> tion of an immediate break-through into Czechoslovakia right on D-Day (X-Tag), combined with aerial penetration by the Air Force. Further details are derived from directive for strategic concentration of the army. The whole contrast becomes acute once more between the Fuehrer's intuition that we *must* do it this year and the opinion of the Army that we cannot do it as yet, as most certainly the Western Powers will interfere and we are not as yet equal to them." *(1780–PS)*

E. *Luftwaffe Participation in Early Planning for Case Green.* During the spring and summer of 1938 the Luftwaffe was also engaged in planning in connection with the forthcoming Case Green and the further expansion of the Reich. A Top Secret Document, dated 2 June 1938, was issued by Air Group Command 3 and entitled "Plan Study 1938: Instruction for Deployment and Combat: Case Red." (*R–150*). This is another staff plan, this time for mobilization and employment of the Luftwaffe in the event of war with France. It is given significance by the considerable progress, at this date, in planning for the attack on Czechoslovakia. Various possibilities under which war with France may occur are noted: all of them are predicated on the assumption of a German-Czech conflict:

> "France will
>
> "*a* either interfere in the struggle between the Reich and Czechoslovakia in the course of 'Case Green', or
>
> "*b* start hostilities simultaneously with Czechoslovakia.
>
> "*c* It is possible but not likely that France will begin the fight, while Czechoslovakia still remains aloof."

* * * * * * *

> "Regardless of whether France enters the war as a result of 'Case Green' or whether she makes the opening move of the war simultaneously with Czechoslovakia, in any case the mass of the German offensive formations will, in conjunction with the Army, first deliver the decisive blow against Czechoslovakia." *(R–150)*

By midsummer direct and detailed planning for Case Green was being carried out by the Luftwaffe. In early August, at the direction of the Luftwaffe General Staff, the German Air Attache in Prague reconnoitered the Freudenthal area of Czechoslovakia, south of Upper Silesia, for suitable landing grounds. This action is disclosed by a report of the Luftwaffe General Staff, Intelligence Division, dated 12 August 1938 *(1536–PS)*. This was a Top Secret document, for General Officers only, of which only two copies were made. Attached as an enclosure was the report of Major Moericke, the German air attache in Prague, dated 4 August 1938. The first four paragraphs of the enclosure read:

> "I was ordered by the General Staff of the Air Force to reconnoitre the land in the region Freudenthal/Freihermersdorf for landing possibilities.
>
> "For this purpose I obtained private lodgings in Freudenthal with the manufacturer Macholdt, through one of my trusted men in Prague.
>
> "I had specifically ordered this man to give no details about me to M, particularly about my official position.
>
> "I used my official car *(Dienst Pkw)* for the journey to Freudenthal, taking precautions against being observed." *(1536–PS)*

By 25 August the imminence of the attack on Czechoslovakia compelled the issuance by the Luftwaffe of a detailed intelligence memorandum entitled "Extended Case Green," which consisted of an estimate of possible action by the Western Powers during the attack on Czechoslovakia *(375–PS)*. This Top Secret memorandum of the Intelligence Section of the Luftwaffe General Staff is dated at Berlin, 25 August 1938. Based on the assumption that Great Britain and France will declare war on Germany during Case Green, this study contains an estimate of the strategy and air strength of the Western Powers as of 1 October 1938, the target date for Case Green. The first two sentences read as follows:

> "The basic assumption is that France will declare war during the Case Green. It is presumed that France will only decide upon war if active military assistance by Great Britain is definitely assured." *(375–PS)*

F. *Negotiations with Italy and Hungary about Case Green.*

Knowledge of pending action against Czechoslovakia was not confined to a close circle of high officials of the Reich. During the summer Germany's allies, Italy and Hungary, were apprised by one means or another of the plans of the Nazi conspirators. A captured document from German Foreign Office files contains a confidential memorandum of a conversation with the Italian ambassador, Attolico, in Berlin on 18 July 1938 (*2800–PS*). At the bottom is a handwritten note, headed "For the Reichsminister [Ribbentrop] only." This note reads:

> "Attolico added that we had made it unmistakably clear to the Italians what our intentions are regarding Czechoslovakia. He also knew the appointed time well enough so that he could take perhaps a two months' holiday now which he could not do later on.

> "Giving an idea of the attitude of other governments Attolico mentioned that the Roumanian government had refused to grant application for leave to its Berlin Minister." *(2800–PS)*

A month later Mussolini sent a message to Berlin, asking that he be told the date on which Case Green would take place. The German response is outlined in a German Foreign Office note on a conversation with Ambassador Attolico, signed "R" (for Ribbentrop) and dated 23 August 1938:

> "On the voyage of the 'Patria' Ambassador Attolico explained to me that he had instructions to request the notification of a contemplated time for German action against Czechoslovakia from the German government.
>
> "In case the Czechs should again cause a provocation against Germany, Germany would march. This would be tomorrow, in six months or perhaps in a year. However, I could promise him, that the German government, in case of an increasing gravity of the situation or as soon as the Fuehrer made his decision, would notify the Italian Chief of Government as rapidly as possible. In any case, the Italian government will be the first one who will receive such a notification.
>
> "23 Aug 1938
> "R (initial)."
> *(2791–PS)*

Four days later Attolico again asked to be notified of the date of the pending attack. The conversation is recorded in another German Foreign Office Memorandum:

> "Ambassador Attolico paid me a visit today at 12 o'clock to communicate the following:
>
> "He had received another written instruction from Mussolini asking that Germany communicate in time the probable date of action against Czechoslovakia. Mussolini asked for such notification, as Mr. Attolico assured me, in order 'to be able to take in due time the necessary measures on the French frontier.'
>
> "Berlin, 27 August 1938
> "R
>
> "N. B. I replied to Ambassador Attolico, just as on his former demarche, that I could not impart any date to him, that, however, in any case Mussolini would be the first one to be informed of any decision.
>
> "Berlin, 2 September 1938."
> *(2792–PS)*

Hungary, which borders Czechoslovakia to the southeast, was from the first considered to be a possible participant in Case Green. It will be recalled that in early March 1938 Keitel and Ribbentrop had exchanged letters on the question of bringing Hungary into the Nazi planning *(2786-PS)*. At that time the decision was in the negative. But by mid-August 1938 the Nazi conspirators were attempting to persuade Hungary to join in the attack.

From August 21st to 26th Admiral Horthy and some of his ministers visited Germany. Admiral Horthy witnessed the launching of the *Prince Eugen* and conferred with Hitler. There were discussions of the Czechoslovak question. A captured German Foreign Office document, signed by von Weizsacker, records the conversations between Hitler and Ribbentrop and a Hungarian delegation consisting of Horthy, Imredy, and Kanya aboard the S. S. *Patria* on 23 August 1938 (*2796-PS*). In this conference Ribbentrop inquired about the Hungarian attitude in the event of a German attack on Czechoslovakia and suggested that such an attack would prove to be a good opportunity for Hungary. The Hungarians, with the exception of Horthy, who wished to put the Hungarian intention to participate on record, proved reluctant to commit themselves. Thereupon Hitler emphasized Ribbentrop's statement, and said:

> "Whoever wanted to join the meal would have to participate in the cooking as well." *(2796-PS)*

Von Weizsacker's memorandum reads as follows:

> "Von Ribbentrop inquired what Hungary's attitude would be if the Fuehrer would carry out his decision to answer a new Czech provocation by force. The reply of the Hungarians presented two kinds of obstacles: The Yugoslavian neutrality must be assured if Hungary marches towards the North and perhaps the East. Moreover, the Hungarian rearmament had only been started and 1 or 2 more years' time for its development should be allowed.
>
> "Von Ribbentrop then explained to the Hungarians that the Yugoslavs would not dare to march while they were between the pincers of the Axis Powers. Rumania alone would therefore not move. England and France would also remain tranquil. England would not recklessly risk her Empire. She knew our newly acquired power. In reference to time, however, for the above-mentioned situation, nothing definite could be predicted since it would depend on Czech provocation. Von Ribbentrop repeated that whoever desires revision must exploit the good opportunity and participate.
>
> "The Hungarian reply thus remained a conditional one.

> Upon the question of von Ribbentrop, what purpose the desired General Staff conferences were to have, not much more was brought forward than the Hungarian desire of a mutual inventory of military material and preparedness for the Czech conflict. The clear political basis for such a conference — the time of Hungarian intervention — was not obtained.
>
> "In the meantime, more positive language was used by von Horthy in his talk with the Fuehrer. He wished not to hide his doubts with regard to the English attitude, but he wished to put Hungary's intention to participate on record. The Hungarian Ministers were and remained, even later, more skeptical since they feel more strongly about the immediate danger for Hungary with its unprotected flanks.
>
> "When von Imredy had a discussion with the Fuehrer in the afternoon, he was very relieved when *the Fuehrer explained to him, that, in regard to the situation in question, he demanded nothing of Hungary.* He himself would not know the time. Whoever wanted to join the meal would have to participate in the cooking as well. Should Hungary wish conferences of the General Staffs, he would have no objections." *(2796–PS)*

By the third day of the conference the Germans were able to note that in the event of a German-Czech conflict Hungary would be sufficiently armed for participation on 1 October. Another captured German Foreign Office Memorandum reports a conversation between Ribbentrop and Kanya on 25 August 1938. The last paragraph of this memorandum states:

> "Concerning Hungary's military preparedness in case of a German-Czech conflict von Kanya mentioned several days ago that his country would need a period of one to two years in order to develop adequately the armed strength of Hungary. During today's conversation von Kanya corrected this remark and said that Hungary's military situation was much better. His country would be ready, as far as armaments were concerned, to take part in the conflict by October 1st of this year." *(2797–PS)*

The signature to this document is not clear, but it appears to be that of von Weizsacker.

These accounts of the German-Hungarian conference are corroborated by General Jodl's diary. The entry for 21-26 August reads as follows:

> *"21-26 August:*
>
> "Visit to Germany of the Hungarian Regent *(Reichsver-*

> *weser).* Accompanied by the Prime Minister, the Minister of Foreign Affairs and the Honved Minister v. Raatz.
>
> "They arrive with the idea that in the course of a great war, after a few years, and with the help of German troops, the old state of Hungary can be reestablished. They leave with the understanding that we have neither demands from, nor claims against them, but that Germany will not stand for a second provocation by Czechoslovakia, even if it should be tomorrow. If they want to participate at that moment, it is up to them.
>
> "Germany, however, will never play the role of arbitrator between them and Poland. The Hungarians agree; but they believe that, when the issue arises, a period of 48 hours would be indispensable to them to find out Yugoslavia's attitude." *(1780–PS)*

The upshot of the talks with the Hungarians proved to be a staff conference on 6 September. Jodl's diary entry for that day states:

> "*6 September:*
>
> "Chief of General Staff, General of Artillery Halder, has a conference with the Hungarian Chief of General Staff Fischer.
>
> "Before that he is briefed by me on the political attitude of the Fuehrer — especially his order not to give any hint on the exact moment. The same with OQI, General v. Stuelpnagel." *(1780–PS)*

G. *Final Preparations for the Attack.*

The setting in which these events took place was that of the Munich Pact and the international crisis which led to it. As this crisis was developing in August and September 1938, frantic efforts were being made by the statesmen of the world to preserve the peace of the world. These statesmen, unfortunately, were unaware of the plans and designs of the Nazi conspirators.

The documents captured by Allied troops reveal the hitherto-unknown story underlying the Pact of Munich. These papers reveal the fraud and deceit practiced by the Nazi conspirators in negotiating the Pact of Munich as a stepping-stone toward further aggression. The hope for peace which came with the Munich Pact, which later turned out to be a snare and a deceit, was a trap carefully set by the Nazi conspirators. The nature of the trap is indicated by the events of the weeks just preceding the Munich agreement.

With a 1 October target date set for Case Green, there was a noticeable increase in the tempo of the military preparations in late August and September. Actual preparations for the attack on Czechoslovakia were well under way. The agenda of the Nazi conspirators were devoted to technical details: the timing of X-day, questions of mobilization, questions of transport and supply.

On 26 August Jodl initialed a memorandum entitled "Timing of the X-Order and the Question of Advance Measures" (*388–PS, Item 17*). This memorandum demonstrates clearly the complicity of the OKW and of Keitel and Jodl, in the fabrication of an incident as an excuse for war. It reveals the character of the attack that Germany was preparing to launch. The memorandum reads as follows:

> "*TIMING OF THE X-ORDER AND THE QUESTION OF ADVANCE MEASURES*
>
> "The Luftwaffe's endeavor to take the enemy air forces by surprise at their peace-time airports justifiably leads them to oppose measures taken in advance of the X-order and to the demand that the X-order itself be given sufficiently late on X minus 1 to prevent the fact of Germany's mobilization becoming known to Czechoslovakia on that day.
>
> "The army's efforts are tending in the opposite direction. It intends to let OKW initiate all advance measures between X minus 3 and X minus 1, which will contribute to the smooth and rapid working of the mobilization. With this in mind OKW *also demands* that the X order be given *not later than 1400 on X minus 1.*
>
> "To this the following must be said:
>
> "Operation (Aktion) Green will be set in motion by means of an 'incident' in Czechoslovakia which will give Germany provocation for military intervention. The fixing of the *exact time* for this incident is of the utmost importance.
>
> "It must come at a time when weather conditions are favorable for our superior air forces to go into action and at an hour which will enable authentic news of it to reach us on the afternoon of X minus 1.
>
> "It can then be spontaneously answered by the giving of the X order at 1400 on X minus 1.
>
> "On X minus 2 the Navy, Army and Air Force will merely receive an advance warning.
>
> "If the *Fuehrer* intends to follow this plan of action, all further discussion is superfluous.
>
> "For then no advance measures may be taken before X minus 1 for which there is not an innocent explanation as we

> shall otherwise appear to have manufactured the incident. Orders for absolutely essential advance measures must be given in good time and camouflaged with the help of the numerous maneuvers and exercises.
>
> "Also, the question raised by the Foreign Office as to whether all Germans should be called back in time from prospective enemy territories must in no way lead to the conspicuous departure from Czechoslovakia of any German subjects before the incident.
>
> "Even a warning of the diplomatic representatives in Prague is impossible before the first air attack, although the consequences could be very grave in the event of their becoming victims of such an attack (e. g., death of representatives of friendly or confirmed neutral powers.)
>
> "If, for technical reasons, the *evening hours* should be considered desirable for the incident, then the following day cannot be X day, but it must be the day after that.
>
> "In any case we must act on the principle that nothing must be done before the incident which might point to mobilization, and that the swiftest possible action must be taken after the incident. (X-Fall)
>
> "It is the purpose of these notes to point out what a great interest the *Wehrmacht* has in the incident and that it must be informed of the Fuehrer's intentions in good time — insofar as the *Abwehr* Section is not also charged with the organization of the incident.
>
> "I request that the Fuehrer's decision be obtained on these points.
>
> "J [Jodl] 26/8."
>
> *(388–PS, Item 17)*

In handwriting at the bottom of the page are the notes of Schmundt, Hitler's adjutant. These reveal that the memorandum was submitted to Hitler on 30 August; that Hitler agreed to act along these lines; and that Jodl was so notified on 31 August.

On 3 September Keitel and von Brauchitsch met with Hitler at the Berghof. Again Schmundt kept notes of the conference *(388–PS, Item 18)*. The first three paragraphs of these minutes state:

> *"Gen. Ob. v. Brauchitsch:* Reports on the exact time of the transfer of the troops to 'exercise areas' for *'Gruen'*. Field units to be transferred on 28 Sept. From here will then be ready for action. When X Day becomes known, field units carry out exercises in opposite directions.
>
> *"Fuehrer:* Has objection. Troops assemble field units a 2-

> day march away. Carry out camouflage exercises everywhere.
>
> "?: OKH must know when X-day is by 1200 noon, 27 September." *(388–PS, Item 18)*

During the remainder of the conference Hitler gave his views on the strategy the German armies should employ and the strength of the Czech defenses they would encounter. He spoke of the possibility of "drawing in the Henlein people." The situation in the West still troubled him. Schmundt noted:

> "The Fuehrer gives orders for the development of the Western fortifications; improvement of advance positions around Aachen and Saarbrucken. Construction of 300 to 400 battery positions (1600 artillery pieces.)" *(388–PS, Item 18)*

Five days later General Stulpnagel asked Jodl for written assurance that the OKH would be informed five days in advance about the pending action. In the evening Jodl conferred with Luftwaffe generals about the coordination of ground and air operations at the start of the attack. The 8 September entry in General Jodl's diary states:

> *"8 September:*
>
> "General Stulpnagel OQI asks for written assurance that the Army High Command will be informed five days in advance if the plan is to take place. I agree and add that the overall meteorological situation can be estimated to some extent only for two days in advance, and that therefore the plans may be changed up to this moment (D-day-2) (X-2 TAGE).
>
> "General Stulpnagel mentions that for the first time he wonders whether the previous basis of the plan is not being abandoned. It presupposed that the Western Powers would not interfere decisively. It gradually seems as if the Fuehrer would stick to his decision even though he may no longer be of this opinion. It must be added that Hungary is at least moody and that Italy is reserved.
>
> "I must admit that I am worrying too, when comparing the change of opinion about political and military potentialities, according to directives of 24 June, 5 Nov 37, 7 Dec 37, 30 May 38, with the last statements.
>
> "In spite of that one must be aware of the fact that the other nations will do everything they can to apply pressure to us. We must pass this test of nerves, but because only very few people know the art of withstanding this pressure successfully, the only possible solution is to inform only a very small circle of officers of news that causes us anxiety, and

> not to have it circulate through anterooms as heretofore.
>
> "1800 hours to 2100 hours: Conference with Chief of Army High Command and Chief of General Staff of the Air Force (present were Jeschonnek, Kammhuber, Sternburg and myself).
>
> "We agree about the promulgation of the D-Day order (X-Befehl), (X-1, 4 o'clock) and preannouncement to the Air Force (D-Day-1, X-1 day, 7 o'clock). The 'Y time' has yet to be examined; some formations have an approach flight of one hour." *(1780–PS)*

Late on the evening of the following day, 9 September, Hitler met with Keitel and Generals von Brauchitsch and Halder at Nurnberg. Dr. Todt, the construction engineer, later joined the conference, which lasted from 10 in the evening until 3:30 the following morning. Schmundt's minutes are *Item 19* in his file *(388–PS)*. In this meeting General Halder reviewed the missions assigned to four of the German armies being committed to the attack: the 2d, 10th, 12th, and 14th. With his characteristic enthusiasm for military planning, Hitler then delivered a soliloquy on strategic considerations which should be taken into account as the attack developed. The discussions proceeded as follows:

> "*General Oberst v. Brauchitsch:* Employment of motorized divisions was based on the difficult rail situation in Austria and the difficulties in getting other divisions (ready to march) into the area at the right time. In the West vehicles will have to leave on the 20th of Sept. if X-Day remains as planned. Workers leave on the 23d, by relays. Specialist workers remain according to decision by Army Command 2.
>
> "*The Fuehrer:* Doesn't see why workers have to return home as early as X-11. Other workers and people are also on the way on mobilization day. Also the RR cars, they will stand around unnecessarily later on.
>
> "*General Keitel*: Workers are not under the jurisdiction of district commands (Bezirks Kdos.) in the West. Trains must be assembled.
>
> "*v. Brauchitsch:* 235,000 men RAD (Labour Service) will be drafted. 96 Construction Bns will be distributed (also in the east). 40,000 trained laborers stay in the West." *(388–PS, Item 19)*

From this date forward the Nazi conspirators were occupied with the intricate planning required before the attack. On 11 September Jodl conferred with a representative of the Propaganda Ministry about methods of refuting German violations of International Law and exploiting those of the Czechs. The 11 September entry in the Jodl diary reads as follows:

> *"11 September:*
>
> "In the afternoon conference with Secretary of State Jahnke from the Ministry of Public Enlightenment and Propaganda on imminent common tasks.
>
> "The joint preparations for refutation *(Wiederlegung)* of our own violations of international law, and the exploitation of its violations by the enemy, were considered particularly important." *(1780-PS)*

This discussion developed into a detailed study compiled by Section L, Jodl's section of the OKW (*C-2*). Seven copies of this captured document were prepared and distributed on 1 October 1938 to the OKH, the OKM, the Luftwaffe, and the Foreign Office. In this study anticipated violations of International Law in the invasion of Czechoslovakia are listed and counter-propaganda suggested for the use of the propaganda agencies. This document is presented in a tabular form, in which possible incidents are listed in the left-hand column. In the second column are given specific examples of the incidents; in the third and fourth columns the position to be taken toward these incidents under International Law and under the laws of warfare is set forth; the fifth column, which is blank, is reserved for the explanation to be offered by the Propaganda Minister. The first 10 hypothetical incidents, for which justification must be found, and which are listed in column b of the table are as follows:

> "1*a*. In an air-raid on Prague the British Embassy is destroyed.
>
> "2. Englishmen or Frenchmen are injured or killed.
>
> "3. The Hradschin is destroyed in an air raid on Prague.
>
> "4. On account of a report that the Czechs have used gas, the firing of gas projectiles is ordered.
>
> "5. Czech civilians, not recognizable as soldiers, are caught in the act of sabotage (destruction of important bridges, destruction of foodstuffs and fodder) are discovered looting wounded or dead soldiers and thereupon shot.
>
> "6. Captured Czech soldiers or Czech civilians are detailed to do road work or to load munitions.
>
> "7. For military reasons it is necessary to requisition billets, food stuffs and fodder from the Czech population. As a result the latter suffer from want.
>
> "8. Czech population is, for military reasons, compulsorily evacuated to the rear area.

> "9. Churches are used for military accommodation.
>
> "10. In the course of their duty, German aircraft fly over Polish territory where they are involved in an air battle with Czech aircraft." *(C–2)*

From Nurnberg, on 10 September, Hitler issued an order bringing the *Reichsarbeitsdienst,* the German labor service, under the OKW. This top secret order, of which 25 copies were made, provides as follows:

> "1. The whole RAD organization comes under the command of the Supreme Command of the Army effective 15 September.
>
> "2. The Chief of OKW decides on the first commitments of this organization in conjunction with the Reichs Labor Leader *(Reichsarbeitsfuehrer)* and on assignments from time to time to the Supreme Commands of the Navy, Army and Air Force. Where questions arise with regard to competency he will make a final decision in accordance with my instructions.
>
> "3. For the time being this order is to be made known only to the departments and personnel immediately concerned.
>
> "(signed) ADOLF HITLER."
>
> *(388–PS, Item 20)*

Four days later, on 14 September, Keitel issued detailed instructions for the employment of specific RAD units. This order is *Item 21* in the Schmundt file. A further order issued by Jodl on 16 September specified RAD units which would receive military training. This is *Item 24* in the Schmundt file. *(388–PS)*

Two entries in Jodl's diary give further indications of the problems of the OKW in this period of mid-September, just two weeks before the anticipated X-day. The entries for 15 and 16 September read as follows:

> *"15 September*:
>
> "In the morning conference with Chief of Army High Command and Chief of General Staffs of Army and Air Forces; the question was discussed what could be done if the Fuehrer insists on advancement of the date, due to the rapid development of the situation.
>
> *"16 September:*
>
> "General Keitel returns from the Berghof at 1700 hours. He graphically describes the results of the conference between Chamberlain and the Fuehrer. The next conference will take place on the 21st or 22nd in Godesberg.
>
> "With consent of the Fuehrer, the order is given in the

> evening by the Armed Forces High Command to the Army High Command and to the Ministry of Finance, to line up the VGAD along the Czech border.
>
> "In the same way, an order is issued to the railways to have the empty rolling stock kept in readiness clandestinely for the strategic concentrations of the Army, so that it can be transported starting 28 September." *(1780–PS)*

The order to the railroads to make rolling stock available which General Jodl referred to appears as *Item 22* in the Schmundt file. In this order Keitel told the railroads to be ready by 28 September but to continue work on the western fortifications even after 20 September in the interest of camouflage. The first and fourth paragraphs of this order provide:

> "The Reichsbahn must provide trains of empty trucks in great numbers by September 28 for the carrying out of mobilization exercises. This task now takes precedence over all others."

* * * * * * *

> "However, in accordance with the Fuehrer's directive, every effort should be made to continue to supply the materials in as large quantities as feasible even after 20 September 1938, and this for reasons of camouflage as well as in order to continue the important work of the Limes." *(388–PS, Item 22)*

The penultimate stage of the aggression began on 18 September. From that day until the 28th a series of orders were issued advancing preparations for the attack. These orders are included in the Schmundt file *(388–PS)*. On the 18th the commitment schedule for the five participating armies—the 2d, 8th, 10th, 12th, and 14th—was set forth *(388–PS, Item 26)*. Hitler approved the secret mobilization of five divisions in the west to protect the German rear during Case Green *(388–PS, Item 31)*. Further discussions were held between the Army and the Luftwaffe about the time of day for the attack. Conference notes initialed by Jodl and dated 27 September reveal the difference in views. These notes are *Item 54* in the Schmundt file. The first three paragraphs read:

> *"COORDINATED TIME OF ATTACK BY ARMY AND AIR FORCES ON X DAY.*
>
> "As a matter of principle, every effort should be made for a coordinated attack by Army and Air Forces on X Day.
>
> "The Army wishes to attack at dawn, i.e., about 0615. It also wishes to conduct some limited operations in the previous night, which however, would not alarm the entire Czech front.
>
> "Air Force's time of attack depends on weather conditions.

> These could change the time of attack and also limit the area of operations. The weather of the last few days, for instance, would have delayed the start until between 0800 and 1100 due to low ceiling in Bavaria." *(388–PS, Item 54)*

A satisfactory solution appears to have been arrived at. The last two paragraphs read:

> "*Thus it is proposed:*
>
> "Attack by the Army — independent of the attack by the air force — at the time desired by the Army (0615) and permission for limited operations to take place before then, however, only to an extent that will not alarm the entire Czech front.
>
> "The Luftwaffe will attack at a time most suitable to them. (J)" *(388–PS, Item 54)*

On the same day, 27 September, Keitel sent a most secret memorandum to Hess and the Reichsfuehrer SS, Himmler, for the guidance of Nazi Party officials. This memorandum is *Item 32* in the Schmundt file. It directs the Party officials and organizations to comply with the demands of the Army during the secret mobilization in such matters as turning over equipment and facilities. The first four paragraphs of this message read:

> "As a result of the political situation the Fuehrer and Chancellor has ordered mobilization measures for the Armed Forces, without the political situation being aggravated by issuing the mobilization (X) order or corresponding codewords.
>
> "Within the framework of these mobilization measures it is necessary for the Armed Forces authorities to issue demands to the various Party authorities and their organizations, which are connected with the previous issuing of the mobilization order, the advance measures or special code names.
>
> "The special situation makes it necessary that these demands be met (even if the code word has not been previously issued) immediately and without being referred to higher authorities.
>
> "OKW requests that subordinate offices be given immediate instructions to this effect so that the mobilization of the Armed Forces can be carried out according to plan." *(388–PS, Item 32)*

Two additional entries from Jodl's diary reveal the extent to which the Nazi conspirators carried forward their preparations for attack even during the period of the negotiations which culminated in the Munich Agreement. The entries for 26 and 27 September read:

> "*26 September*:
>
> "Chief of the Armed Forces High Command, acting through the Army High Command, has stopped the intended approach march of the advance units to the Czech border, because it is not yet necessary and because the Fuehrer does not intend to march in before the 30th in any case. Order to approach towards the Czech frontier need be given on the 27th only.
>
> "In the evening of the 26th, fixed radio stations of Breslau, Dresden and Vienna are put at the disposal of the Reich Ministry for Public Enlightenment and Propaganda for interference with possible Czech propaganda transmissions.
>
> "Question by Foreign office whether Czechs are to be allowed to leave and cross Germany. Decision from Chief of the Armed Forces High Command: yes.
>
> "1515 hours: The Chief of the Armed Forces High Command informs General Stumpf about the result of the Godesberg conversations and about the Fuehrer's opinion. In no case will X day be before the 30th.
>
> "It is important that we do not permit ourselves to be drawn into military engagements because of false reports, before Prague replied.
>
> "A question of Stumpf about Y hour results in the reply that on account of the weather situation, a simultaneous intervention of the Air Force and Army cannot be expected. The Army needs the dawn, the Air Force can only start later on account of frequent fogs.
>
> "The Fuehrer has to make a decision for the commander in chief who is to have priority.
>
> "The opinion of Stumpf is also that the attack of the Army has to proceed. The Fuehrer has not made any decision as yet about commitment against Prague.
>
> "2000 hours: The Fuehrer addresses the people and the world in an important speech at the Sportspalast.
>
> "*27 September*:
>
> "1320 hours: The Fuehrer consents to the first wave of attack being advanced to a line from where they can arrive in the assembly area by 30 September." *(1780–PS)*

The order referred to by General Jodl in the last entry was also recorded by the faithful Schmundt. It appears as *Item 33* of the file. It is the order which brought the Nazi armies to the jumping-off point for unprovoked aggression:

> "MOST SECRET
>
> *"MEMORANDUM*
>
> "At 1300 September 27 the Fuehrer and Supreme Commander of the Armed Forces ordered the movement of the assault units from their exercise areas to their jumping-off points.
>
> "The assault units (about 21 reinforced regiments, or 7 divisions,) must be ready to begin the action against *'Gruen'* on September 30, the decision having been made one day previously by 1200 noon." *(388–PS, Item 33)*

There follows a pencil note by Schmundt:

> "This order was conveyed to General Keitel at 1320 through Major Schmundt." *(388–PS, Item 33)*

H. *The Campaign Within Czechoslovakia.*

The military preparations for aggression against Czechoslovakia had not been carried out in vacuo. They had been preceded by a skillfully conceived campaign designed to promote civil disobedience to the Czechoslovak State. Using the techniques they had already developed in other ventures, the Nazi conspirators over a period of years used money, propaganda, and force to undermine Czechoslovakia. In this program the Nazis focussed their attention on the persons of German descent living in the Sudetenland, a mountainous area bounding Bohemia and Moravia on the north, west, and south.

The Czechoslovak government's official report for the prosecution and trial of German major war criminals, entitled "German Crimes Against Czechoslovakia," shows the background of the subsequent Nazi intrigue. (*998–PS; 3061–PS*)

Nazi agitation in Czechoslovakia dated from the earliest days of the NSDAP. In the years following the First World War a German National Socialist Workers Party (DNSAP), which maintained close contact with Hitler's NSDAP, was active in the Sudetenland. In 1932, ring-leaders of the *Sudeten Volksport,* an organization corresponding to the Nazi SA, openly endorsed the 21 points of Hitler's program, the first of which demanded the union of all Germans in a Greater Germany. Soon thereafter they were charged with planning armed rebellion on behalf of a foreign power and were sentenced for conspiracy against the Czech Republic. Late in 1933 the National Socialist Party of Czechoslovakia forestalled its dissolution by voluntary liquidation, and several of its chiefs escaped across the frontier. For a year thereafter Nazi activity in Czechoslovakia continued underground. (*998–PS; 3061–PS*)

On 1 October 1934, with the approval and at the urging of the

Nazi conspirators, Konrad Henlein, an instructor of gymnastics, established the "German Home Front" *(Deutsche Heimatfront)*, which the following spring became the Sudeten German Party *(Sudeten-deutsche Partei — SDP)*. Profiting from the experience of the Czech National Socialist Party, Henlein denied any connection with the German Nazis. He rejected pan-Germanism, and professed his respect for individual liberties and his loyalty to "honest democracy" and to the Czech state. His party, nonethe-less, was built on the basis of the Nazi *Fuehrerprinzip*, and he became its Fuehrer. By 1937, when the power of Hitler's Germany had become manifest, Henlein and his followers were striking a more aggressive note, demanding, without definition, "complete Sudeten autonomy". The SDP laid proposals before the Czech Parliament which would, in substance, have created a state within a state. (*998–PS; 3061–PS*)

After the annexation of Austria in March 1938 the Henleinists, who were now openly organized after the Nazi model, intensified their activity. Undisguised anti-Semitic propaganda started in the Henlein press; the campaign against "bolshevism" was intensified; terrorism in the Henlein-dominated communities increased. A storm troop organization, patterned and trained on the principles of the Nazi SS, was established, known as the FS *(Freiwilliger Selbstschutz,* or Voluntary Vigilantes). On 24 April 1938, in a speech to the Party Congress in Karlovy Vary, Henlein came into the open with his "Karlsbad Program". In this speech, which echoed Hitler in tone and substance, Henlein asserted the right of the Sudeten Germans to profess "German political philosophy", which, it was clear, meant National Socialism. *(998–PS; 3061–PS)*

As the summer of 1938 wore on, the Henleinists used every technique of the Nazi Fifth Column. As summarized in the Czech official report, these included:

(1) *Espionage.* Military espionage was conducted by the SDP, the FS, and by other members of the German minority on behalf of Germany. Czech defenses were mapped, and information on Czech troop movements was furnished to the German authorities.

(2) *Nazification of German Organizations in Czechoslovakia.* The Henleinists systematically penetrated the whole life of the German population of Czechoslovakia. Associations and social and cultural centers gradually underwent *"Gleichschaltung"*, i.e., "purification", by the SDP. Among the organizations conquered by the Henleinists were sport societies, rowing clubs, associations of ex-service men, and choral societies. The Henleinists

were particularly interested in penetrating as many business institutions as possible and in bringing over to their side the directors of banks, the owners or directors of factories, and the managers of commercial firms. In the case of Jewish ownership or direction they attempted to secure the cooperation of the clerical and technical staffs of the institution.

(3) *German Direction and Leadership.* The Henleinists maintained permanent contact with the Nazi officials designated to direct operations within Czechoslovakia. Meetings in Germany at which Henleinists were exhorted and instructed in Fifth Column activity were camouflaged by being held in conjunction with *Saenger Feste* (choral festivals), gymnastic shows and assemblies, and commercial gatherings such as the Leipzig Fair. Whenever the Nazi conspirators needed incidents for their war of nerves, it was the duty of the Henleinists to supply them.

(4) *Propaganda.* Disruptive and subversive propaganda was beamed at Czechoslovakia in German broadcasts and was echoed in the German press. Goebbels called Czechoslovakia a "nest of Bolshevism" and spread the false report of "Russian troops and airplanes" centered in Prague. Under direction from the Reich the Henleinists maintained whispering propaganda in the Sudetenland, which contributed to the mounting tension and to the creation of incidents. Illegal Nazi literature was smuggled from Germany and widely distributed in the border regions. The Henlein press more or less openly espoused Nazi ideology to the German population.

(5) *Murder and Terrorism.* The Nazi conspirators provided the Henleinists, and particularly the FS, with money and arms with which to provoke incidents and to maintain a state of permanent unrest. Gendarmes, customs officers, and other Czech officials were attacked. A boycott was established against Jewish lawyers, doctors, and tradesmen. The Henleinists terrorized the non-Henlein population, and the Nazi Gestapo crossed into border districts to carry Czechoslovak citizens across the border to Germany. In several cases political foes of the Nazis were murdered on Czech soil. Nazi agents murdered Professor Theodor Lessing in 1933 and the engineer Formis in 1935. Both men were anti-Nazis who had escaped from Germany after Hitler came to power and had sought refuge in Czechoslovakia. *(998–PS; 3061–PS)*

Some time afterwards, when there was no longer need for pretense and deception, Konrad Henlein made a clear and frank statement of the mission assigned to him by the Nazi conspirators. This statement was made in a lecture by Konrad Henlein quoted on page 29 of "Four Fighting Years", a publication of the Czechoslovak Ministry of Foreign Affairs. In this lecture, delivered by Henlein on 4 March 1941 in the Auditorium of the University of Vienna under the auspices of the *Wiener Verwaltungsakadamie,* he discussed the "fight for the liberation of the Sudetens" in the following terms:

> "National Socialism soon swept over us Sudeten Germans. Our struggle was of a different character from that in Germany. Although we had to behave differently in public we were, of course, secretly in touch with the National Socialist revolution in Germany so that we might be a part of it. The struggle for Greater Germany was waged on Sudeten soil, too. This struggle could be waged only by those inspired by the spirit of National Socialism, persons who were true followers of our Fuehrer, whatever their outward appearance. Fate sought me out to be the leader of the national group in its final struggle. When * * * in autumn, 1933, the leaders of the NSDAP asked me to take over the political leadership of the Sudeten Germans, I had a difficult problem to solve. Should the National Socialist Party continue to be carried on illegally or should the movement, in the interest of the self-preservation of the Sudeten Germans and in order to prepare their return to the Reich, wage its struggle under camouflage and by methods which appeared quite legal to the outside world? For us Sudeten Germans only the second alternative seemed possible, for the preservation of our national group was at stake. It would certainly have been easier to exchange this hard and mentally exhausting struggle for the heroic gesture of confessing allegiance to National Socialism and entering a Czechoslovak prison. But it seemed more than doubtful whether by this means we could have fulfilled the political task of destroying Czechoslovakia as a bastion in the alliance against the German Reich." *(2863-PS.)*

I. *Evidence Implicating Nazi Conspirators in Czechoslovak Agitation.*

The foregoing account of Nazi intrigue in Czechoslovakia is the outline of this conspiracy as it had been pieced together by the Czechoslovak government early in the summer of 1945. Since then captured documents and other information made available since the defeat of Germany have clearly and conclusively demonstrated the implication, which hitherto could only be deduced, of the Nazi conspirators in the Sudetenland agitation.

A telegram sent from the German Legation in Prague on 16 March 1938 to the Foreign Office in Berlin, presumably written by the German Minister, Eisenlohr, proves conclusively that the Henlein movement was an instrument of the Nazi conspirators *(3060–PS)*. The Henlein party, it appears from this telegram, was directed from Berlin and from the German Legation in Prague. It could have no policy of its own; even the speeches of its leaders had to be coordinated with the German authorities. This telegram reads as follows:

> "Rebuff to Frank has had a salutary effect. Have thrashed out matters with Henlein, who recently had shunned me, and with Frank separately and received following promises;
>
> "1. The line of German Foreign Policy as transmitted by the German Legation is exclusively decisive for policy and tactics of the Sudeten German Party. My directives are to be complied with implicitly.
>
> "2. Public speeches and the press will be coordinated uniformly with my approval. The editorial staff of *"Zeit"* (Time) is to be improved.
>
> "3. Party leadership abandons the former intransigent line which in the end might lead to political complications and adopts a line of gradual promotion of Sudeten German interests. The objectives are to be set in every case with my participation and to be promoted by parallel diplomatic action. Laws for the protection of nationalities *(Volksschutzgesetze)* and 'territorial autonomy' are no longer to be stressed.
>
> "4. If consultations with Berlin agencies are required or desired before Henlein issues important statements on his program, they are to be applied for and prepared through the Mission.
>
> "5. All information of the Sudeten German Party for German agencies is to be transmitted through the Legation.
>
> "6. Henlein will establish contact with me every week, and will come to Prague at any time if requested.
>
> "I now hope to have the Sudeten German Party under firm control, as this is more than ever necessary for coming developments in the interest of foreign policy. Please inform ministries concerned and Mittelstelle (Central Office for Racial Germans) and request them to support this uniform direction of the Sudeten German Party." *(3060–PS)*

The dressing-down administered by Eisenlohr to Henlein had the desired effect. The day after the telegram was dispatched from Prague, Henlein addressed a humble letter to Ribbentrop, asking an early personal conversation *(2789–PS)*. This letter, dated 17 March 1938, and captured in the German Foreign Office files, states:

> "Most honored Minister of Foreign Affairs:
>
> "In our deeply felt joy over the fortunate turn of events in Austria we feel it our duty to express our gratitude to all those who had a share in this new grand achievement of our Fuehrer.
>
> "I beg you, most honored Minister, to accept accordingly the sincere thanks of the Sudeten Germans herewith.
>
> "We shall show our appreciation to the Fuehrer by doubled efforts in the service of the Greater German policy.
>
> "The new situation requires a reexamination of the Sudeten German policy. For this purpose I beg to ask you for the opportunity for a very early personal talk.
>
> "In view of the necessity of such a clarification I have postponed the Nation-wide Party Congress, originally scheduled for 26th and 27th of March, 1938, for 4 weeks.
>
> "I would appreciate if the Minister, Dr. Eisenlohr, and one of my closest associates would be allowed to participate in the requested talks.
>
> "Heil Hitler,
> "Loyally yours,
> "/s/ Konrad Henlein."
>
> *(2789–PS)*

This letter makes it clear that Henlein was quite aware that the seizure of Austria made possible the adoption of a new policy toward Czechoslovakia. It also reveals that he was already in close enough contact with Ribbentrop and the German minister in Prague to feel free to suggest "early personal" talks.

Ribbentrop was not unreceptive to Henlein's suggestion. The conversations Henlein had proposed took place in the Foreign Office in Berlin on 29 March 1938. The previous day Henlein had conferred with Hitler himself. The captured German Foreign Office notes of the conference on 29 March read as follows:

> "The Reichsminister started out by emphasizing the necessity to keep the conference which had been scheduled strictly a secret; he then explained, in view of the directives which the Fuehrer himself had given to Konrad Henlein personally yesterday afternoon that there were two questions which were of outstanding importance for the conduct of policy of the Sudeten German Party * * *"

* * * * * * *

> "The aim of the negotiations to be carried out by the Sudeten German party with the Czechoslovakian Government is finally this: to avoid entry into the Government by the extension and gradual specification of the demands to be made. It must be emphasized clearly in the negotiations that the Sudeten German Party alone is the party to the negotiations with the Czechoslovakian Government, not the Reich Cabinet *(Reichsregierung)*. The Reich Cabinet itself must refuse to appear toward the Government in Prague or toward London and Paris as the advocate or peacemaker of the Sudeten German demands. It is a self-evident prerequisite that during the impending discussion with the Czechoslovak Government the Sudeten Germans would be firmly controlled by Konrad Henlein, would maintain quiet and discipline, and would avoid indiscretions. The assurances already given by Konrad Henlein in this connection were satisfactory.
>
> "Following these general explanations of the Reich Minister the demands of the Sudeten German Party from the Czechoslovak Government as contained in the enclosure were discussed and approved in principle. For further cooperation, Konrad Henlein was instructed to keep in the closest possible touch with the Reichminister and the Head of the Central Office for Racial Germans *(mit dem Leiter der Volksdeutschen Mittelstelle)*, as well as the German Minister in Prague, as the local representative of the Foreign Minister. The task of the German Minister in Prague would be to support the demands of the Sudeten German Party as reasonable, not officially, but in more private talks with the Czechoslovak politicians without exerting any direct influence on the extent of the demands of the Party.
>
> "In conclusion there was a discussion whether it would be useful if the Sudeten German Party would coooperate with other minorities in Czechoslovakia, especially with the Slovaks. The Foreign Minister decided that the Party should have the discretion to keep a loose contact with other minority groups if the adoption of a parallel course by them might appear appropriate.
>
> "Berlin, 29 March 1938.
>
> "R [Initial]"
>
> *(2788–PS)*

Not the least interesting aspect of this secret meeting is the list of those who attended. Konrad Henlein, his principal deputy, Karl Hermann Frank, and two others represented the Sudeten German Party. Professor Haushofer and SS Obergruppenfuehrer Lorenz represented the *Volksdeutsche Mittelstelle*, the Central Office for Racial Germans. The Foreign Office was represented by a delegation of eight. These eight included Ribbentrop, who presided at the meeting and did most of the talking, von Mackensen, Weiszacker, and Minister Eisenlohr from the German Legation at Prague. (*2788–PS*)

In May Henlein came to Berlin for more conversations with the Nazi conspirators. At this time the plans for Case Green, the attack on Czechoslovakia, were already on paper, and it may be assumed that Henlein was briefed on the role he was to play during the summer months. The entry for 22 May 1938 in General Jodl's diary reads as follows:

> "22 May: Fundamental conference between the Fuehrer and K. Henlein" (see enclosure). (*1780–PS*)

The enclosure, unfortunately, is missing.

It will be recalled that in his speech in Vienna, Henlein had admitted that he had been selected by the Nazi conspirators in the fall of 1933 to take over the political leadership of the Sudeten Germans *(2863–PS)*. The foregoing documents show conclusively the nature of Henlein's mission. They demonstrate that Henlein's policy, his propaganda, even his speeches were controlled by Berlin. Furthermore, from the year 1935 the Sudeten German Party had been secretly subsidized by the German Foreign Office. A secret memorandum, captured in the German Foreign Office files, signed by Woermann and dated Berlin, 19 August 1938, was occasioned by the request of the Henlein Party for additional funds. This memorandum reads:

> "MEMORANDUM
>
> "The Sudeten German Party has been subsidized by the Foreign Office regularly since 1935 with certain amounts, consisting of a monthly payment of 15,000 Marks; 12,000 Marks of this are transmitted to the Prague Legation for disbursement, and 3000 Marks are paid out to the Berlin representation of the party (Bureau Buerger). In the course of the last few months the tasks assigned to the Bureau Buerger have increased considerably due to the current negotiations with the Czech Government. The number of pamphlets and maps which are produced and disseminated has risen; the propaganda activity in the press has grown immensely; the expense accounts have increased especially because due to the necessity for continuous good information, the expenses for trips to Prague, London, and Paris (including the financing of travels of Sudeten German deputies and agents) have grown considerably heavier. Under these conditions the

> Bureau Buerger is no longer able to get along with the monthly allowance of 3000 Marks if it is to do everything required. Therefore, Mr. Buerger has applied to this office for an increase of this amount, from 3000 Marks to 5500 Marks monthly. In view of the considerable increase in the business transacted by the Bureau, and of the importance which marks the activity of the Bureau in regard to the cooperation with the Foreign Office, this desire deserves the strongest support.
>
> "Herewith submitted to the Dep: Pers(onnel) with a request for approval. It is requested to increase the payments with retroactive effect from 1 August.*
>
> "Berlin, 19 August 1938
> /s/ Woermann
>
> "**Volksdeutsche Mittelstelle* (Central Office for Racial Germans) will be informed by the Political Dept. [handwritten marginal note]." *(3059-PS; also 3061-PS)*

As the military preparations to attack Czechoslovakia moved forward in the late summer and early fall of 1938, the Nazi command made good use of Henlein and his followers. About the first of August the Air Attache at the German Legation in Prague, Major Moericke, acting on instructions from Luftwaffe headquarters in Berlin, visited the Sudeten German leader in Freudenthal. With his assistance, and in the company of the local leader of the FS (the Henlein equivalent of the SS), he reconnoitered the surrounding countryside to select possible airfield sites for German use. The FS leader, a Czech reservist then on leave, was in the uniform of the Czech army — a fact which, the attache noted, served as excellent camouflage.

The Air Attache's report reads in part as follows:

> "The manufacturer M. is head of the Sudeten German Glider Pilots in Freudenthal and said to be absolutely reliable by my trusted men. My personal impression fully confirmed this judgment. No hint of my identity was made to him, although I had the impression that M. knew who I was.
>
> "At my request, with which he complied without any question, M. travelled with me over the country in question. We used M.'s private car for the trip.
>
> "As M. did not know the country around Beneschau sufficiently well, he took with him the local leader of the FS, a Czech reservist of the Sudeten German Racial Group, at the time on leave. He was in uniform. For reasons of camouflage I was entirely in agreement with this — without actually saying so.

> "As M., during the course of the drive, observed that I photographed large open spaces out of the car, he said 'Aha, so you're looking for airfields!' I answered that we supposed that, in the case of any serious trouble, the Czechs would put their airfields immediately behind the line of fortifications and that I had the intention of looking over the country from that point of view." *(1536-PS)*

In the latter part of the Air Attache's report reference is made to the presence of reliable agents and informers (*V-Leute*) apparently drawn from the ranks of the Henlein Party in this area. It was indicated that these agents were in touch with the *Abwehrstelle,* the intelligence office in Breslau. *(1536-PS)*

In September, when the propaganda campaign was reaching its height, the Nazis were not satisfied with playing merely on the Sudeten demands for autonomy. They attempted to use the Slovaks as well. On 19 September the Foreign Office in Berlin sent the following telegram to the German Legation in Prague:

> "Please inform deputy Kundt, at Konrad Henlein's request, to get into touch with the Slovaks at once and induce them to start their demands for autonomy tomorrow.
>
> "(signed) ALTENBURG"
>
> *(2858-PS)*

Kundt was Henlein's representative in Prague.

As the harassed Czech government sought to stem the disorder in the Sudetenland, the German Foreign Office turned to threatening diplomatic tactics in a deliberate effort to increase the tension between the two countries. Four telegrams from the Foreign Office in Berlin to the Legation in Prague, dispatched between the 16th and 24th of September 1938, are self-explanatory. The first telegram is dated 16 September:

> "Tonight 150 subjects of Czechoslovakia of Czech blood were arrested in Germany. This measure is an answer to the arrest of Sudeten Germans since the Fuehrer's speech of 12 September. I request you to ascertain the number of Sudeten-Germans arrested since 12 September as extensively as possible. The number of those arrested there is estimated conservatively at 400 by the Gestapo. Cable report.
>
> "Woermann."
>
> *(2855-PS)*

The second telegram is dated 17 September. The first two paragraphs read:

> "I. Request to inform the local government immediately of the following:
>
> "The Reich Government has decided that:
>
> "(*a*) Immediately as many Czech subjects of Czech descent,

> Czech-speaking Jews included, will be arrested in Germany as Sudeten Germans have been in Czechoslovakia since the beginning of the week.
>
> "(*b*) If any Sudeten Germans should be executed pursuant to a death sentence on the basis of martial law, an equal number of Czechs will be shot in Germany." *(2854–PS)*

The third telegram was sent on 24 September:

> "According to information received here Czechs have arrested 2 German frontier-policemen, seven customs-officials and 30 railway-officials. As countermeasure all the Czech staff in Marschegg were arrested. We are prepared to exchange the arrested Czech officials for the German officials. Please approach Government there and wire result.
>
> "(signed) WOERMANN"
>
> *(2853–PS)*

On the same day the fourth telegram was dispatched. The last paragraph read:

> "Confidential:
>
> "Yielding of the Czech hostages arrested here for the prevention of the execution of any sentences passed by military courts against Sudeten-Germans is, of course, out of question.
>
> "WOERMANN"
>
> *(2856–PS)*

In the latter half of September Henlein devoted himself and his followers wholeheartedly to preparation for the coming German attack. About 15 September, after Hitler's provocative Nurnberg speech in which he accused "this Benes" of "torturing" and planning the "extermination" of the Sudeten Germans, Henlein and Karl Hermann Frank, one of his principal deputies, fled to Germany to avoid arrest by the Czech government. In Germany Henlein broadcast over the powerful *Reichssender* radio station his determination to lead the Sudeten Germans "home to the Reich" and denounced "the Hussite Bolshevik criminals of Prague". From his headquarters in a castle at Dondorf, outside Bayreuth, he kept in close touch with the leading Nazi conspirators, including Hitler and Himmler. He directed activities along the border and began the organization of the Sudeten German Free Corps, an auxiliary military organization. These events are set forth in the Czechoslovak official report. *(998–PS; 3061–PS)*

Henlein's activities were carried on with the advice and assistance of the Nazi leaders. Lt. Col. Koechling was assigned to Henlein in an advisory capacity to assist with the Sudeten German Free Corps. In a conference with Hitler on the night of 17 September Koechling received far-reaching military powers. At this conference the purpose of the Free Corps was frankly stated: the "maintenance of disorder and clashes". *Item 25,* of the Schmundt file *(388–PS),* a telegram labeled Most Secret reads as follows:

> "Last night conference took place between Fuehrer and Oberstleutnant Koechling. Duration of conference 7 minutes. Lt. Col. Koechling remains directly responsible to OKW. He will be assigned to Konrad Henlein in an advisory capacity. He received far-reaching military plenary powers from the Fuehrer. The Sudeten German Free Corps remains responsible to Konrad Henlein alone. Purpose: Protection of the Sudeten Germans and maintenance of disturbances and clashes. The Free Corps will be established in Germany. Armament only with Austrian weapons. Activities of Free Corps to begin as soon as possible." *(388–PS, Item 25)*

General Jodl's diary gives a further insight into the position of the Henlein Free Corps. At this time the Free Corps was engaged in active skirmishing along the Czech border, furnishing incidents and provocation in the desired manner. Jodl's entries for 19 and 20 September 1938 state:

> *"19 September:*
>
> "Order is given to the Army High Command to take care of the Sudeten German Free Corps.
>
> *"20 September:*
>
> "England and France have handed over their demands in Prague, the contents of which are still unknown. The activities of the Free Corps start assuming such an extent that they may bring about, and already have brought about consequences harmful to the plans of the Army. (Transferring rather strong units of the Czech Army to the proximity of the border.) By checking with Lt. Col. Koechling, I attempt to lead these activities into normal channels.
>
> "Toward the evening the Fuehrer also takes a hand and gives permission to act only with groups up to 12 men each, after the approval of the Corps HQ." *(1780–PS)*

A report from Henlein's staff, which was filed in Hitler's headquarters, boasted of the offensive operations of the Free Corps in the following terms:

> "Since 19 Sept. — in more than 300 missions — the Free Corps has executed its task with an amazing spirit of *attack* and with a willingness often reaching a degree of unqualified

> self-sacrifice. The result of the first phase of its activities: more than 1500 prisoners, 25 MG's and a large amount of other weapons and equipment, aside from serious losses in dead and wounded suffered by the *enemy*." *(388–PS, Item 30)*

In this document the word "attack" was subsequently crossed out, and the word "defense" substituted. Similarly "the enemy" was changed to read "the Czech terrorists".

In his headquarters in the castle at Dondorf, Henlein was in close touch with Admiral Canaris of the Intelligence Division of the OKW and with the SS and SA. The liaison officer between the SS and Henlein was Oberfuehrer Gottlob Berger, who in later years became prominent in the SS command. An affidavit executed by Berger reads as follows:

> "I, GOTTLOB BERGER, under oath and being previously sworn, make the following statement:
>
> "1. In the fall of 1938 I held the rank and title of Oberfuehrer in the SS. In mid-September I was assigned as SS Liaison Officer with Konrad Henlein's Sudeten German Free Corps at their headquarters in the castle of Dondorf outside Bayreuth. In this position I was responsible for all liaison between the Reichsfuehrer SS Himmler and Henlein and, in particular, I was delegated to select from the Sudeten Germans those who appeared to be eligible for membership in the SS or VT *(Verfuegungs Truppe)*. In addition to myself, Liaison Officers stationed with Henlein included an Obergruppenfuehrer from the NSKK, whose name I have forgotten, and Obergruppenfuehrer Max Juettner, from the SA. In addition, Admiral Canaris, who was head of the OKW *Abwehr*, appeared at Dondorf nearly every two days and conferred with Henlein.
>
> "2. In the course of my official duties at Henlein's headquarters I became familiar with the composition and activities of the Free Corps. Three groups were being formed under Henlein's direction: One in the Eisenstein area, Bavaria; one in the Bayreuth area; one in the Dresden area; and possibly a fourth group in Silesia. These groups were supposedly composed of refugees from the Sudetenland who had crossed the border into Germany, but they actually contained Germans with previous service in the SA and NSKK (Nazi Motor Corps) as well. These Germans formed the skeleton of the Free Corps. On paper the Free Corps had a strength of 40,000 men. I do not know its actual strength, but I believe it to be considerably smaller than the paper

figure. The Corps was armed with Manlicher-Schoenauer rifles from Army depots in Austria. It was my understanding that about 18,000 rifles were issued to men under Henlein's command. In addition, small numbers of machine guns*, hand grenades, and 2 captured antitank guns were placed at Henlein's disposal. Part of the equipment furnished to Henlein, mostly haversacks, cooking utensils, and blankets, were supplied by the SA.

"3. In the days preceding the conclusion of the four-power pact at Munich I heard of numerous occasions on which the Henlein Free Corps was engaged in skirmishes with Czech patrols along the border of the Sudetenland. These operations were under the direction of Henlein, who went forward from his Headquarters repeatedly in order to take direct command of his men.

"The facts stated above are true; this declaration is made by me voluntarily and without compulsion; after reading over this statement I have signed and executed the same.

"(Signed) Gottlob Berger"

(3036–PS)

Henlein and his Free Corps were also acting in collaboration with the SD, *(Sicherheitsdienst)* Himmler's intelligence organization. An affidavit executed by Alfred Helmut Naujocks, a member of the SD, reads as follows:

"I, ALFRED HELMUT NAUJOCKS, being first duly sworn, depose and state as follows:

"1. In September 1938 I was working in Amt III of the SD. (The department which was then called Amt III later became Amt VI). In the course of my work I traveled between Berlin, Hof and Munich.

"2. While in Hof, which is on the Czech border, I paid repeated visits to the SD Service Department, that is, Intelligence Office, which has been established there. This Service Department had the task of collecting all political intelligence emanating from the Czechoslovak border districts and passing it on to Berlin. Continuous day and night teleprinter communications had been established from Hof direct to Amt III of the SD in Berlin. To the best of my recollection the head of the Hof office was Daufeldt. The head of Amt III in Berlin at this time was Jost and his assistant was Filbert.

"* (Rifles and machine guns were of doubtful serviceability due to inferior ammunition)."

> "3. The bulk of the intelligence we collected came from Henlein Free Corps, which had its headquarters in a castle at Dondorf, outside Bayreuth; the distance between Hof and Bayreuth is not very great, and we had daily access to all intelligence received by the Free Corps. There was a continuous liaison maintained with Czech territory by runners. Exploitation of this Intelligence was carried out every day in Berlin and was placed before Heydrich and Himmler.
>
> "4. I remember that the Free Corps made continuous complaints that they had not received sufficient supply of arms. Negotiations by letter and teleprint message went on for a number of days with Berlin until it became quite a nuisance. After that arms were supplied from the army, but I believe it was only a small quantity.
>
> "5. Hof was the center for all intelligence collected by the SD on the Czechoslovak question. The SD had agents all along the border in every town. The names of these agents were reported to Hof, and two motor cars toured the border every day to collect the intelligence which had been unearthed. In addition, I remember that two or three companies of the SS-Totenkopf units were stationed in the neighborhood of Asch.
>
> "The facts stated above are true: this declaration is made by me voluntarily and without compulsion; after reading over this statement I have signed and executed the same at Nurnberg, Germany this 20th day of November 1945.
>
> "(signed) Alfred Helmut Naujocks."
>
> *(3029–PS)*

Offensive operations along the Czechoslovak border were not confined to skirmishes carried out by the Free Corps. Two *SS Totenkopf* battalions were operating across the border in Czech territory near Asch. *Item 36* in the Schmundt file (*388–PS*), an OKW most secret order signed by Jodl and dated 28 September, states:

> "Those SS–Totenkopf units now operating in the Asch Promontory (I and II Bn of Oberbayern Regiment) will come under the C in C Army only when they return to German Reich territory, or when the Army crosses the German-Czech frontier." (*388–PS, Item 36*)

According to the 25 September entry in General Jodl's diary these SS Totenkopf battalions were operating in this area on direct orders from Hitler. (*1780–PS*)

As the time for X-day approached, the disposition of the Free Corps became a matter of dispute. On 26 September Himmler issued an order to the Chief of Staff of the Sudeten German Free Corps directing that the Free Corps come under control of the Reichsfuehrer SS in the event of German invasion of Czechoslovakia (*388–PS, Item 37*). On 28 September Keitel directed that as soon as the German Army crosses the Czech border the Free Corps will take orders from the OKH. In this most secret order of the OKW Keitel discloses that Henlein's men are already operating in Czechoslovak territory:

> "For the Henlein Free Corps and units subordinate to this the principle remains valid, that they receive instructions direct from the Fuehrer and that they carry out their operations only in conjunction with the competent general staff corps. The advance units of the Free Corps will have to report to the local commander of the frontier guard immediately before crossing the frontier.
>
> "Those units remaining forward of the frontier should—in their own interests—get into communication with the frontier guard as often as possible.
>
> "As soon as the army crosses the Czech border the Henlein Free Corps will be subordinate to the OKH. Thus it will be expedient to assign a sector to the Free Corps even now which can be fitted into the scheme of army boundaries later." (*388–PS, Item 34*)

On 30 September, when it became clear that the Munich settlement would result in a peaceful occupation of the Sudetenland, Keitel ordered that the Free Corps Henlein in its present composition be placed under command of Himmler:

> "1. *Attachment of Henlein Free Corps:*
>
> "The Supreme Commander of the Armed Forces has just ordered that the Henlein Free Corps in its present composition be placed under command of Reichsfuehrer–SS and Chief of German Police.
>
> "It is therefore at the immediate disposal of OKH as field unit for the invasion, but is to be later drawn in like the rest of the police forces for police duties in agreement with the Reichsfuehrer SS." (*388–PS, Item 38*)

J. *Occupation of the Sudetenland under the Terms of the Munich Agreement.*

Under the threat of war by the Nazi conspirators, and with war in fact about to be launched, the United Kingdom and France concluded a pact with Germany and Italy at Munich on the night of 29 September 1938. This treaty provided for the cession of the

Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce. (*TC–23*)

On 1 October 1938 German troops began the occupation of the Sudetenland.

During the conclusion of the Munich Pact the *Wehrmacht* had been fully deployed for attack, awaiting only the word of Hitler to begin the assault. With the cession of the Sudetenland new orders were issued. On 30 September Keitel promulgated Directive #1 on "Occupation of territory separated from Czechoslovakia" (*388–PS, Item 39)*. This directive contained a time table for the occupation of sectors of former Czech territory between 1 and 10 October and specified the tasks of the German armed forces. The fourth and fifth paragraphs provided:

> "2. The Armed Forces will have the following tasks:
>
> "The present degree of mobilized preparedness is to be maintained completely, for the present also in the West. Order for the rescinding of measures taken is held over.
>
> "The entry is to be planned in such a way that it can easily be converted into operation *'Gruen'*." *(388-PS, Item 39)*

It contained one further provision about the Henlein forces:

> "Henlein Free Corps. All combat action on the part of the Volunteer Corps must cease as from 1st October." *(388-PS, Item 39)*

The Schmundt file contains a number of additional secret OKW directives giving instructions for the occupation of the Sudetenland and showing the scope of the preparations of the OKW. Directives specifying the occupational area of the army and the units under its command; arranging for communications facilities, exchange facilities, supply, and propaganda; and giving instructions to the civil departments of the government were issued over Keitel's signature on 30 September (*388–PS, Items 40, 41, 42*). By 10 October von Brauchitsch was able to report to Hitler that German troops had reached the demarcation line and that the order for the occupation of the Sudetenland had been fulfilled. The OKW requested Hitler's permission to rescind Case Green, to withdraw troops from the occupied area and to relieve the OKH of executive powers in the Sudeten German area as of 15 October. (*388–PS, Items 46, 47, 49*)

On 18 October, in a formal letter to the Commander-in-Chief of the Army, Col. Gen. von Brauchitsch, Hitler announced that the civil authorities would take over responsibility for the Sudeten German territory on 21 October and that the OKH would be relieved of executive powers as of that date (*388–PS, Item 51)*. On the same date additional demobilization of the forces in the

Sudetenland was ordered by Hitler and Keitel. Three days later the OKW requested Hitler's consent to the reversion of the RAD from the control of the armed forces. *(388–PS, Items 52, 53)*

As the German forces entered the Sudetenland Henlein's *Sudetendeutsche Partei* was merged with the NSDAP of Hitler. The two men who had fled to Hitler's protection in mid-September, Henlein and Karl Hermann Frank, were appointed Gauleiter and Deputy Gauleiter, respectively, of the *Sudetengau.* In the parts of the Czechoslovak Republic that were still free the *Sudetendeutsche Partei* constituted itself as the *National-Sozialistische Deutsche Arbeiter-Partei in der Tschechoslovakei* (NSDAP in Czechoslovakia) under the direction of Kundt, another of Henlein's deputies. These events are set forth in the Czechoslovak official report. (*998–PS; 3061–PS*)

The stage was now prepared for the next move of the Nazi conspirators.

K. *Planning for the Conquest of the Remainder of Czechoslovakia.*

With the occupation of the Sudetenland and the inclusion of the German-speaking Czechs within the Greater Reich it might have been expected that the Nazi conspirators would be satisfied. Thus far in the Nazi program of aggression the conspirators had used as a pretext for their conquests the union of the *Volksdeutsche*, the people of German descent, with the Reich. Now, after Munich, substantially all the *Volksdeutsche* in Czechoslovakia had been returned to German rule. On 26 September, at the Sportspalast in Berlin, Hitler spoke these words:

> "And now we are confronted with the last problem which must be solved and which will be solved. It is the last territorial claim which I have to make in Europe, but it is a claim from which I will not swerve, and which I will satisfy, God willing."
>
> * * * * * * *
>
> "I have little to explain. I am grateful to Mr. Chamberlain for all his efforts, and I have assured him that the German people want nothing but peace; but I have also told him that I cannot go back beyond the limits of our patience.
>
> "I assured him, moreover, and I repeat it here, that when this problem is solved there will be no more territorial problems for Germany in Europe. And I further assured him that from the moment when Czechoslovakia solves its other problems, that is to say when the Czechs have come to an arrangement with their other minorities peacefully and with-

> out oppression, I will no longer be interested in the Czech State. And that as far as I am concerned I will guarantee. We don't want any Czechs at all." (*2358–PS*)

Yet no more than two weeks later Hitler and Keitel were preparing estimates of the military forces required to break Czechoslovak resistance in Bohemia and Moravia. *Item 48* of the Schmundt file is a top secret telegram sent by Keitel to Hitler's headquarters on 11 October 1938 in answer to four questions which Hitler had propounded to the OKW. These were the questions:

> "Question 1: What reinforcements are necessary in the present situation to break all Czech resistance in Bohemia and Moravia?
>
> "Question 2: How much time is required for the regrouping or moving up of new forces?
>
> "Question 3: How much time will be required for the same purpose if it is executed after the intended demobilization and return measures?
>
> "Question 4: How much time would be required to achieve the state of readiness of October 1st?" (*388–PS, Item 48*)

Whereupon, in the same telegram, Keitel reported to Hitler the considered answers of the OKH and the Luftwaffe.

On 21 October, the same day on which the administration of the Sudetenland was handed over to the civilian authorities, a directive outlining plans for the conquest of the remainder of Czechoslovakia was signed by Hitler and initialed by Keitel. In this Top Secret Order, of which 10 copies were made, the Nazi conspirators, only three weeks after the winning of the Sudetenland, were already looking forward to new conquests:

> "The future tasks for the Armed Forces and the preparations for the conduct of war resulting from these tasks will be laid down by me in a later Directive.
>
> "Until this Directive comes into force the Armed Forces must be prepared at all times for the following eventualities:
>
> "1. The securing of the frontiers of Germany and the protection against surprise air attacks.
>
> "2. The liquidation of the remainder of Czechoslovakia.
>
> "3. The occupation of the Memelland."
>
> * * * * * * *
>
> "It must be possible to smash at any time the remainder of Czechoslovakia if her policy should become hostile towards Germany.
>
> "The preparations to be made by the Armed Forces for this contingency will be considerably smaller in extent than those

> for *'Gruen'*; they must, however, guarantee a continuous and considerably higher state of preparedness, since planned mobilization measures have been dispensed with. The organization, order of battle and state of readiness of the units earmarked for that purpose are in peace-time to be so arranged for a surprise assault that Czechoslovakia herself will be deprived of all possibility of organized resistance. The object is the swift occupation of Bohemia and Moravia and the cutting off of Slovakia. The preparations should be such, that at the same time *'Grenzsicherung West'* (the measures of frontier defense in the West) can be carried out.
>
> "The detailed mission of Army and Air Force is as follows:
>
> "*a. Army*
>
> "The units stationed in the vicinity of Bohemia-Moravia and several motorized divisions are to be earmarked for a surprise type of attack. Their number will be determined by the forces remaining in Czechoslovakia; a quick and decisive success must be assured. The assembly and preparations for the attack must be worked out. Forces not needed will be kept in readiness in such a manner that they may be either committed in securing the frontiers or sent after the attack army.
>
> "*b. Air Force*
>
> "The quick advance of the German Army is to be assured by an early elimination of the Czech Air Force.
>
> "For this purpose the commitment in a surprise attack from peace-time bases has to be prepared. Whether for this purpose still stronger forces may be required can only be determined from the development of the military situation in Czechoslovakia. At the same time a simultaneous assembly of the remainder of the offensive forces against the West must be prepared." (*C–136*)

This order was signed by Hitler and authenticated by Keitel. It was distributed to the OKH, to Goering's Luftwaffe, and to Raeder at Navy headquarters.

Two months later, on 17 December 1938, Keitel issued an appendix to the original order stating that by command of the Fuehrer preparations for the liquidation of Czechoslovakia are to continue. Distribution of this Top Secret order was the same as for the 21 October order. The order provides:

> "2. *COROLLARY TO DIRECTIVE OF 21.10.38.*
>
> "Reference 'Liquidation of the Rest of Czechoslovakia' the Fuehrer has given the following additional order:
>
> "The preparations for this eventuality are to continue on the

> assumption that no resistance worth mentioning is to be expected.
>
> "To the outside world too it must clearly appear that it is merely an action of pacification and not a warlike undertaking.
>
> "The action must therefore be carried out by the peace time Armed Forces *only,* without reinforcements from mobilization. The necessary readiness for action, especially the ensuring that the most necesssary supplies are brought up, must be effected by adjustment within the units.
>
> "Similarly the units of the Army detailed for the march must, as a general rule, leave their stations only during the night prior to the crossing of the frontier, and will not previously form up systematically on the frontier. The transport necessary for previous organization should be limited to the minimum and will be camouflaged as much as possible. Necessary movements, if any, of single units and particularly of motorized forces, to the troop-training areas situated near the frontier, must have the approval of the Fuehrer.
>
> "The Air Force should take action in accordance with the similar general directives.
>
> "For the same reasons the exercise of executive power by the Supreme Command of the Army is laid down only for the newly occupied territory and only for a short period.
>
> "Chief of the Supreme Command
> of the Armed Forces.
>
> "KEITEL"
>
> (*C–138*)

This particular copy of the order, an original carbon signed in ink by Keitel, was the one sent to the OKM, the German naval headquarters. It bears the initials of Fricke, head of the Operational Division of the Naval War Staff, of Schniewind, Chief of Staff of the Naval War Staff, and of Raeder.

As the *Wehrmacht* moved forward with plans for what it clearly considered would be an easy victory, the Foreign Office played its part. In a discussion of means of improving German-Czech relations with the Czechoslovak Foreign Minister, Chvalkovsky, in Berlin on 21 January 1939, Ribbentrop urged upon the Czech government a "quick reduction" in the size of the Czech army. The captured German Foreign Office notes of this discussion bear the following footnote, in Ribbentrop's handwriting:

> "I mentioned to Chvalkovsky especially that a quick reduction in the Czech army would be decisive in our judgment." (*2795–PS*)

L. *Extension of Fifth Column Activity*

As in the case of Austria and the Sudetenland, the Nazi conspirators did not intend to rely on the *Wehrmacht* alone to accomplish their calculated objective of "liquidating" Czechoslovakia. With the German minority separated from Czechoslovakia, they could no longer use the cry, "home to the Reich." One sizeable minority, the Slovaks, remained within the Czechoslovak State. The Czechoslovak Government had made every effort to conciliate Slovak extremists in the months after the cession of the Sudetenland. Autonomy had been granted to Slovakia, with an autonomous cabinet and parliament at Bratislava. Nonetheless, despite these concessions, it was in Slovakia that the Nazi conspirators found men ready to take their money and do their bidding. The following picture of Nazi operations in Slovakia is based on the Czechoslovak official report. (*998–PS; 3061–PS*)

Nazi propaganda and "research" groups had long been interested in maintaining close connections with the Slovak autonomist opposition. When Bela Tuka, who later became Prime Minister of the puppet state of Slovakia, was tried for espionage and treason in 1929, the evidence established that he had already established connections with Nazi groups within Germany. Prior to 1938 Nazi aides were in close contact with Slovak traitors living in exile and were attempting to establish more profitable contacts in the semi-fascist Slovak Catholic Peoples Party of Monsignor Andrew Hlinka. Out of sympathy with the predominantly anti-clerical government in Prague, some Catholic elements in Slovakia proved willing to cooperate with the Nazis. In February and July 1938 the leaders of the Henlein movement conferred with top men of Father Hlinka's party and agreed to furnish one another with mutual assistance in pressing their respective claims to autonomy. This understanding proved useful in the September agitation when, at the proper moment, the Foreign Office in Berlin wired the Henlein leader, Kundt, in Prague to tell the Slovaks to start their demands for autonomy. (See *2858–PS*.)

By this time, mid-summer 1938, the Nazis were in direct contact with figures in the Slovak autonomist movement and had paid agents among the higher staff of Father Hlinka's party. These agents undertook to render impossible any understanding between the Slovak autonomists and the Slovak parties in the government at Prague. Franz Karmasin, later to become *Volksgruppenfuehrer,* had been appointed Nazi leader in Slovakia and professed to be serving the cause of Slovak autonomy while on the Nazi pay roll. On 22 November the Nazis indiscreetly wired

Karmasin to collect his money at the German Legation in person. The telegram, sent from the German Legation at Prague to Bratislava (Pressburg), reads as follows:

> "Delegate Kundt asks to notify State Secretary Karmasin that he would appreciate it if he could personally draw the sum which is being kept for him at the treasury of the embassy.
>
> "HENCKE" (*2859-PS*)

Karmasin proved to be extremely useful to the Nazi cause. A captured memorandum of the German Foreign Office, dated Berlin, 29 November 1939—eight months after the conquest of Czechoslovakia—throws a revealing light both on Karmasin and on the German Foreign Office:

> "*On the question of payments to KARMASIN*
>
> "Karmasin receives 30,000 Marks for the VDA (Peoples' League for Germans Abroad) until 1 April 1940; from then on 15,000 Marks monthly.
>
> "Furthermore, the Central Office for Racial Germans (*Volksdeutsche Mittelstelle*) has deposited 300,000 Marks for Karmasin with the German Mission in Bratislava (Pressburg) on which he could fall back in an emergency.
>
> "Furthermore, Karmasin has received money from Reich Minister Seyss-Inquart; for the present it has been impossible to determine what amounts had been involved, and whether the payments will continue.
>
> "Therefore it appears that Karmasin has been provided with sufficient money; thus one could await whether he would put up new demands himself.
>
> "Herewith presented to the Reich Foreign Minister.
>
> "/s/ WOERMANN" (*2794-PS*)

This document shows the complicity of the German Foreign Office in the subsidization of illegal organizations abroad. More important, it shows that the Germans still considered it necessary to supply their under-cover representatives in Pressburg with substantial funds even after the declaration of the so-called independent State of Slovakia.

Some time in the winter of 1938-1939 Goering conferred with Durcansky and Mach, two leaders in the Slovak extremist group, who were accompanied by Karmasin. The Slovaks told Goering of their desire for what they called "independence," with strong political, economic, and military ties to Germany. They promised that the Jewish problem would be solved as it had been in Germany and that the Communist Party would be prohibited. The notes of the meeting report that Goering considered that the

Slovak efforts towards independence were to be supported, although his motives were scarcely altruistic. The undated minutes of this conversation between Goering and Durcansky, captured among the files of the German Foreign Office, are jotted down in somewhat telegraphic style:

> "To begin with DURKANSKY (Deputy Prime Minister) reads out declaration. Contents: Friendship for the Fuehrer; gratitude, that through the Fuehrer autonomy has become possible for the SLOVAKS. The SLOVAKS *never* want to belong to HUNGARY. The SLOVAKS want *full independence* with strongest political, economic and military ties to Germany. BRATISLAVA to be capital. The execution of the plan only possible if the army and police are SLOVAK.
>
> "An independent SLOVAKIA to be proclaimed at the meeting of the first SLOVAK Diet. In the case of a plebiscite the majority would favour a separation from PRAGUE. Jews will vote for Hungary. The area of the plebiscite to be up to the MARCH, where a large SLOVAK population lives.
>
> "The *Jewish problem* will be solved similarly to that in Germany. The Communist party to be prohibited.
>
> "The *Germans* in SLOVAKIA do not want to belong to Hungary but wish to stay in SLOVAKIA.
>
> "The *German influence* with the SLOVAK Government considerable; the appointment of a German Minister (member of the cabinet) has been promised.
>
> "At present negotiations with HUNGARY are being conducted by the SLOVAKS. The CZECHS are more yielding towards the Hungarians than the SLOVAKS.
>
> "The Fieldmarshall considers; that the SLOVAK negotiations towards independence are to be supported in a suitable manner. Czechoslovakia without Slovakia is still more at our mercy.
>
> "Air bases in Slovakia are of great importance for the German Air Force for use against the East." (*2801-PS*)

In mid-February 1939 a Slovak delegation journeyed to Berlin. It consisted of Tuca, one of the Slovaks with whom the Germans had been in contact, and Karmasin, the paid representative of the Nazi conspirators in Slovakia. They conferred with Hitler and Ribbentrop in the Reichs Chancellery in Berlin on Sunday, 12 February 1939. The captured German Foreign Office minutes of that meeting read as follows:

> "After a brief welcome Tuca thanks the Fuehrer for granting this meeting. He addresses the Fuehrer with 'My Fuehrer' and he voices the opinion that he, though only a modest

> man himself, might well claim to speak for the Slovak nation. The Czech courts and prison gave him the right to make such a statement. He states that the Fuehrer had not only opened the Slovak question but that he had been also the first one to acknowledge the dignity of the Slovak nation. The Slovakian people will gladly fight under the leadership of the Fuehrer for the maintenance of European civilization. Obviously future association with the Czechs had become an impossibility for the Slovaks from a moral as well as economic point of view." (*2790-PS*)

It is noteworthy that Tuca addressed Hitler as "My Fuehrer". During this meeting the Nazi conspirators apparently were successful in planting the idea of insurrection with the Slovak delegation. The final sentence of this document, spoken by Tuca, is conclusive:

> "I entrust the fate of my people to your care." (*2790-PS*)

It is apparent from these documents that in mid-February 1939 the Nazis had a well-disciplined group of Slovaks at their service, many of them drawn from the ranks of Father Hlinka's party. Flattered by the personal attention of such men as Hitler and Ribbentrop, and subsidized by German representatives, these Slovaks proved willing tools in the hands of the Nazi conspirators.

In addition to the Slovaks, the Nazi conspirators made use of the few Germans still remaining within the mutilated Czech republic. Kundt, Henlein's deputy who had been appointed leader of this German minority, created as many artificial "focal points of German culture" as possible. Germans from the districts handed over to Germany were ordered from Berlin to continue their studies at the German University in Prague and to make it a center of aggressive Naziism. With the assistance of German civil servants, a deliberate campaign of Nazi infiltration into Czech public and private institutions was carried out, and the Henleinists gave full cooperation with Gestapo agents from the Reich who appeared on Czech soil. The Nazi "political activity" was designed to undermine and to weaken Czech resistance to the commands from Germany. In the face of continued threats and duress on both diplomatic and propaganda levels, the Czech government was unable to take adequate measures against these trespasses on its sovereignty. (*998-PS*; *3061-PS*)

In early March, with the date for the invasion of Czechoslovakia already close at hand, fifth column activity moved into its final phase. In Bohemia and Moravia the FS, Henlein's equivalent of the SS, were in touch with the Nazi conspirators in the Reich and laid the groundwork for the events of 14 and 15 March.

An article by SS-Gruppenfuehrer Karl Hermann Frank, published in *Boehmen und Maehren,* the official periodical of the Reichs Protector of Bohemia and Moravia, March 1941, page 79, reveals with considerable frankness the functions which the FS and SS served and the pride the Nazi conspirators took in the activities of these organizations:

> "The SS on March 15, 1939
>
> "A modern people and a modern state are today unthinkable without political troops. To these are allotted the special task of being the advance guard of the political will and the guarantor of its unity. This is especially true of the German folk-groups, which have their home in some other people's state. Accordingly the Sudeten German Party had formerly also organized its political troop, the Voluntary Vigilantes (*Freiwilliger Selbstschutz*), called 'FS' for short. This troop was trained essentially in accordance with the principles of the SS, so far as these could be used in this region at that time. The troop was likewise assigned here the special task of protecting the homeland, actively, if necessary. It stood up well in its first test in this connection, wherever in the fall crisis of 1938 it had to assume the protection of the homeland, arms in hand.
>
> "After the annexation of the Sudeten Gau, the tasks of the FS were transferred essentially to the German student organizations as compact troop formations in Prague and Brunn, aside from the isolated German communities which remained in the second republic. This was also natural because many active students from the Sudeten Gau were already members of the FS. The student organizations then had to endure this test, in common with other Germans, during the crisis of March 1939 * * *"

* * * * * * *

> "In the early morning hours of March 15, after the announcement of the planned entry of German troops in various localities, German men had to act in some localities in order to assure a quiet course of events, either by assumption of the police authority, as for instance in Brunn, or by corresponding instruction of the police president, etc. In some Czech offices, men had likewise, in the early hours of the morning, begun to burn valuable archives and the material of political files. It was also necessary to take measures here in order to prevent foolish destruction * * *. How significant the many-sided and comprehensive measures were considered by the competent German agencies, follows from the fact that

> many of the men either on March 15 itself or on the following days were admitted into the SS with fitting acknowledgment, in part even through the Reichsfuehrer SS himself or through SS Group Leader Heydrich. The activities and deeds of these men were thereby designated as accomplished in the interest of the SS.
>
> "Immediately after the corresponding divisions of the SS had marched in with the first columns of the German Army and had assumed responsibility in the appropriate sectors, the men here placed themselves at once at their further disposition and became valuable auxiliaries and collaborators. * * *" (*2826-PS*)

The background of the German intrigue in Slovakia is outlined in two British diplomatic despatches (*D-571, D-572*) and excerpts from despatches sent by M. Coulondre, the French Ambassador in Berlin to the French Foreign Office between 13 and 18 March 1939, and published in the French Yellow Book. (*2943-PS*)

In Slovakia the long-anticipated crisis came on 10 March. On that day the Czechoslovakian government dismissed those members of the Slovak Cabinet who refused to continue negotiations with Prague, among them Prime Minister Tiso and Durcansky. Within 24 hours the Nazis seized upon this act of the Czech government as an excuse for intervention. On the following day, 11 March, a strange scene was enacted in Bratislava, the Slovak capital. It is related in the report of the British Minister in Prague to the British government:

> "Herr Buerckel, Herr Seyss-Inquart and five German generals came at about 10 P. M. on the evening of Saturday, the 11th March, into a Cabinet meeting in progress at Bratislava, and told the Slovak Government that they should proclaim the independence of Slovakia. When M. Sidor (the Prime Minister) showed hesitation, Herr Buerckel took him on one side and explained that Herr Hitler had decided to settle the question of Czecho-Slovakia definitely. Slovakia ought, therefore, to proclaim her independence because Herr Hitler would otherwise disinterest himself in her fate. M. Sidor thanked Herr Buerckel for this information, but said that he must discuss the situation with the Government at Prague." (*D-571*)

Events were now moving rapidly. Durcansky, one of the dismissed ministers, escaped with Nazi assistance to Vienna, where the facilities of the German broadcasting station were placed at his disposal. Arms and ammunition were brought from German

Offices in Engerau, across the Danube, into Slovakia where they were used by the FS and the Hlinka Guard to create incidents and disorder of the type required by the Nazis as an excuse for military action. The situation at Engerau is described in an affidavit of Alfred Helmut Naujocks:

> "I, ALFRED HELMUT NAUJOCKS, being first duly sworn, depose and state as follows—
>
> "1. From 1934 to 1941 I was a member of the SD. In the winter of 1939 I was stationed in Berlin, working in Amt VI, Chief Sector South East. Early in March, four or five days before Slovakia declared its independence, Heydrich, who was chief of the SD, ordered me to report to Nebe, the chief of the Reich Criminal Police. Nebe had been told by Heydrich to accelereate the production of explosives which his department was manufacturing for the use of certain Slovak groups. These explosives were small tins weighing approximately 500 grams.
>
> "2. As soon as forty or fifty of these explosives had been finished, I carried them by automobile to a small village called Engerau, just across the border from Pressburg in Slovakia. The Security Police had a Service Department in this village for the handling of SD activities. I turned over the explosives to this office and found there a group of Slovaks, including Karmasin, Mach, Tuka and Durcansky. In fact, three of these people then present later became ministers in the new Slovak government. I was informed that the explosives were to be turned over to the Hlinka Guards across the border in Slovakia and were to be used in incidents designed to create the proper atmosphere for a revolution.
>
> "3. I stayed in Engerau for a day and a half and then returned to Berlin.
>
> "4. One or two weeks later I met in Berlin the same Slovak delegation, including Mach, Tuka, Durcansky and Karmasin, which I had seen in Engerau. They had flown to Berlin for a conference with Goering. Heydrich asked me to look after them and to report to him what developed during the conference with Goering. I reported this conference in detail to Heydrich. It dealt principally with the organization of the new Slovak state. My principal recollection of the conference is that the Slovaks hardly got a word in because Goering was talking all the time.
>
> "The facts stated above are true; this declaration is made by

> me voluntarily and without compulsion; after reading over the statement I have signed and executed the same at NURNBERG, Germany this 20th day of November 1945.
>
> "(Signed) Alfred Helmut Naujocks
>
> "ALFRED HELMUT NAUJOCKS"
>
> (*3030-PS*)

At this time the German press and radio launched a violent campaign against the Czechoslovak government. And, significantly, an invitation from Berlin was delivered in Bratislava. Tiso, the dismissed prime minister, was summoned by Hitler to an audience in the German capital. A plane was awaiting him in Vienna. (*998-PS; 3061-PS; 2943-PS*)

M. *Occupation of Czechoslovakia Under Threat of Military Force.*

At this point, in the second week of March 1939, preparations for what the Nazi leaders liked to call the "liquidation" of Czechoslovakia were progressing with a gratifying smoothness. The military, diplomatic, and propaganda machinery of the Nazi conspirators was moving in close coordination. As during Case Green of the preceding summer, the Nazi conspirators had invited Hungary to participate in the attack. It appears from a letter Admiral Horthy, the Hungarian Regent, wrote to Hitler on 13 March 1939, which was captured in the German Foreign Office files, that Horthy was flattered by the invitation:

> "Your Excellency,
>
> "My sincere thanks.
>
> "I can hardly tell you how happy I am because this Head Water Region—I dislike using big words—is of vital importance to the life of Hungary.
>
> "In spite of the fact that our recruits have only been serving for 5 weeks we are going into this affair with eager enthusiasm. The dispositions have already been made. On Thursday, the 16th of this month, a frontier incident will take place which will be followed by the big blow on Saturday.
>
> "I shall never forget this proof of friendship and your Excellency may rely on my unshakeable gratitude at all times.
>
> "Your devoted friend.
>
> "(Signed) HORTHY"
>
> "Budapest. 13.3.1939." (*2816-PS*)

From this letter it may be inferred that the Nazi conspirators had already informed the Hungarian government of their plans for military action against Czechoslovakia. As it turned out, the timetable was advanced somewhat.

On the diplomatic level Ribbentrop was active. On 13 March, the same day on which Horthy wrote his letter, Ribbentrop sent a cautionary telegram to the German minister in Prague, outlining the course of conduct he should pursue during the coming diplomatic pressure:

> *"Telegram in secret code*
>
> "With reference to telephone instructions given by Kordt today.
>
> "In case you should get any written communication from President HACHA, please do not make any written or verbal comments or take any other action on them but pass them on here by cipher telegram. Moreover, I must ask you and the other members of the Embassy to make a point of not being available if the Czech government wants to communicate with you during the next few days.
>
> "(Signed) RIBBENTROP". (*2815–PS*)

On the afternoon of 13 March, Monsignor Tiso, accompanied by Durcansky and by Karmasin, the local Nazi leader, arrived in Berlin in response to the summons from Hitler. Late that afternoon Tiso was received by Hitler in his study in the Reichs Chancellery and was presented with an ultimatum. Two alternatives were given him: either to declare the independence of Slovakia or to be left, without German assistance, to the mercies af Poland and Hungary. This decision, Hitler said, was not a question of days, but of hours. The captured German Foreign Office minutes of this meeting between Hitler and Tiso on 13 March show that in the inducements Hitler held out to the Slovaks Hitler displayed his customary disregard for truth:

> "* * * Now he [Hitler] had permitted Minister Tiso to come here in order to make this question clear in a very short time. Germany had no interests east of the Carpathian mountains. It was indifferent to him what happened there. The question was whether Slovakia wished to conduct her own affairs or not. He did not wish for anything from Slovakia. He would not pledge his people or even a single soldier to something which was not in any way desired by the Slovak people. He would like to secure final confirmation as to what Slovakia really wished. He did not wish that reproaches should come from Hungary that he was preserving something which did not wish to be preserved at all. He took a liberal view of unrest and demonstration in general, but in this connection, unrest was only an outward indica-

> tion of interior instability. He would not tolerate it, and he had for that reason permitted Tiso to come in order to hear his decision. It was not a question of days, but of hours. He had stated at that time that if Slovakia wished to make herself independent he would support this endeavor and even guarantee it. He would stand by his word so long as Slovakia would make it clear that she wished for independence. If she hesitated or did not wish to dissolve the connection with Prague, he would leave the destiny of Slovakia to the mercy of events, for which he was no longer responsible. In that case he would only intercede for German interests and those did not lie east of the Carpathians. Germany had nothing to do with Slovakia. She had never belonged to Germany.
>
> "The Fuehrer asked the Reich Foreign Minister if he had any remarks to add. The Reich Foreign Minister also emphasized for his part the conception that in this case a decision was a question of hours not of days. He showed the Fuehrer a message he had just received which reported Hungarian troop movements on the Slovak frontiers. The Fuehrer read this report, mentioned it to Tiso, and expressed the hope that Slovakia would soon decide clearly for herself." (*2802–PS*)

Those present at this meeting included Ribbentrop, Keitel, State Secretary Dietrich, State Secretary Keppler, and Minister of State Meissner.

While in Berlin, the Slovaks also conferred separately with Ribbentrop and with other high Nazi officials. Ribbentrop solicitously handed Tiso a copy, already drafted in Slovak, of the law proclaiming the independence of Slovakia. On the night of 13 March a German plane was placed at Tiso's disposal to carry him home. On 14 March, pursuant to the wishes of the Nazi conspirators, the Diet of Bratislava proclaimed the independence of Slovakia.

With Slovak extremists, acting at Nazi bidding, in open revolt against the Czechoslovak government, the Nazi leaders were now in a position to move against Prague. On the evening of 14 March, at the suggestion of the German Legation in Prague M. Hacha, the president of the Czechoslovak republic, and M. Chvalkovsky, his foreign minister, arrived in Berlin. The atmosphere in which they found themselves was hostile. Since the preceding weekend the Nazi press had accused the Czechs of using violence against the Slovaks and especially against members of the German minority and citizens of the Reich. Both press and radio proclaimed that the lives of Germans were in danger, that the situation was intolerable and that it was necessary to smother as quickly as possible the focus of trouble which Prague had become in the heart of Europe.

After midnight on the 15 March, at 1:15 in the morning, Hacha and Chvalkovsky were ushered into the Reichs Chancellery. They found there Hitler, von Ribbentrop, Goering, Keitel, and other high Nazi officials. The captured German Foreign Office account of this meeting furnishes a revealing picture of Nazi behaviour and tactics. It must be remembered that this account of the conference of the night of March 14-15 comes from German sources, and must be read as an account biased by its source.

Hacha opened the conference. He was conciliatory, even humble. He thanked Hitler for receiving him and said he knew that the fate of Czechoslovakia rested in the Fuehrer's hands. Hitler replied that he regretted that he had been forced to ask Hacha to come to Berlin, particularly because of the great age of the President. (Hacha was then in his seventies.) But this journey, Hitler told the President, could be of great advantage to his country, because "it was only a matter of hours until Germany would intervene." The conference proceeded as follows, with Hitler speaking:

> "Slovakia was a matter of indifference to him. If Slovakia had kept closer to Germany, it would have been an obligation to Germany, but he was glad that he did not have this obligation now. He had no interests whatsoever in the territory east of the Lower Carpathian Mts. Last autumn he had not wanted to draw the final consequences because he had believed that it was possible to live together. But even at that time, and also later in his conversations with Chvalkovsky, he made it clear that he would ruthlessly smash this state if Benes' tendencies were not completely revised. Chvalkovsky understood this and asked the Fuehrer to have patience. The Fuehrer saw this point of view, but the months went by without any change. The new regime did not succeed in eliminating the old one psychologically. He observed this from the press, mouth to mouth propaganda, dismissals of Germans and many other things which, to him, were a symbol of the whole situation. At first he had not understood this but when it became clear to him he drew his conclusions because, had the development continued in this way, the relations with Czechoslovakia would in a few years have become the same as six months ago. Why did Czechoslovakia not immediately reduce its army to a reasonable size? Such

an army was a tremendous burden for such a state because it only makes sense if it supports the foreign political mission of the State. Since Czechoslovakia no longer has a foreign political mission, such an army is meaningless. He enumerates several examples which proved to him that the spirit in the army had not changed. This symptom convinced him that the army would be a severe political burden in the future. Added to this were the inevitable development of economic necessities and, further, the protests from national groups which could no longer endure life as it was.

"Last Sunday, therefore, for me the die was cast. I summoned the Hungarian envoy and notified him that I was withdrawing my [restraining] hands from that country. We were now confronted with this fact. He had given the order to the German troops to march into Czechoslovakia and to incorporate Czechoslovakia into the German Reich. He wanted to give Czechoslovakia fullest autonomy and a life of her own to a larger extent than she ever had enjoyed during Austrian rule. Germany's attitude towards Czechoslovakia will be determined tomorrow and the day after tomorrow and depends on the attitude of the Czechoslovakian people and the Czechoslovakian military towards the German troops. He no longer trusts the government. He believes in the honesty and straight forwardness of Hacha and Chvalkovsky but doubts that the government will be able to assert itself in the entire nation. The German Army had already started out today, and at one barracks where resistance was offered, it was ruthlessly broken; another barracks had given in at the deployment of heavy artillery.

"At 6 o'clock in the morning the German army would invade Czechoslovakia from all sides and the German air force would occupy the Czech airfields. There existed two possibilities. The first one would be that the invasion of the German troops would lead to a battle. In this case the resistance will be broken by all means with physical force. The other possibility is that the invasion of the German troops occurs in bearable form. In that case it would be easy for the Fuehrer to give Czechoslovakia at the new organization of Czech life a generous life of her own, autonomy and a certain national liberty.

"We witnessed at the moment a great historical turning-point. He would not like to torture and de-nationalize the Czechs. He also did not do all that because of hatred but in order to protect Germany. If Czechoslovakia in the fall of last year would not have yielded, the Czech people would have been exterminated. Nobody could have prevented him from doing that. It was his will that the Czech people should live a full national life and he believed firmly that a way could be found which would make far-reaching concessions to the Czech desires. If fighting would break out tomorrow, the pressure would result in counter-pressure. One would annihilate one another and it would then not be possible any more for him to give the promised alleviations. Within two days the Czech army would not exist any more. Of course, Germans would also be killed and this would result in a hatred which would force him because of his instinct of self-preservation not to grant autonomy any more. The world would not move a muscle. He felt pity for the Czech people when he read the foreign press. It gave him the impression expressed in a German proverb: 'The Moor has done his duty, the Moor may go.'

"That was the state of affairs. There were two courses open to Germany, a harder one which did not want any concessions and wished in memory of the past that Czechoslovakia would be conquered with blood, and another one, the attitude of which corresponded with his proposals stated above.

"That was the reason why he had asked Hacha to come here. This invitation was the last good deed which he could offer to the Czech people. If it would come to a fight, the bloodshed would also force us to hate. But the visit of Hacha could perhaps prevent the extreme. Perhaps it would contribute to finding a form of construction which would be much more far-reaching for Czechoslovakia than she could ever have hoped for in old Austria. His aim was only to create the necessary security for the German people.

"The hours went past. At 6 o'clock the troops would march in. He was almost ashamed to say that there was one German division to each Czech battalion. The military action was no small one, but planned with all generosity. He would advise him now to retire with Chvalkovsky in order to discuss what should be done." (*2798–PS*)

In reply to this long harangue, Hacha, according to the German minutes, said that he agreed that resistance would be useless. He expressed doubt that he would be able to issue the necessary orders to the Czech Army in the four hours left to him before the German Army crossed the Czech border. He asked if the object of the invasion was to disarm the Czech Army. If so, that might be arranged. Hitler replied that his decision was final, that it was well known what a decision of the Fuehrer meant. He turned to the circle of Nazi conspirators surrounding him, which included Goering, Ribbentrop, and Keitel, for their support. The only possibility of disarming the Czech Army, Hitler said, was by the intervention of the German Army. At this point Hacha and Chvalkovsky retired from the room. (*2798–PS*)

A dispatch from the British Ambassador, Sir Nevile Henderson, published in the British Blue Book, describes a conversation with Goering in which the events of this early morning meeting are set forth (*2861–PS*). Dispatch No. 77 in the French Yellow Book from M. Coulondre, the French Ambassador, gives another well-informed version of this same midnight meeting (*2943–PS*). The following account of the remainder of this meeting is drawn from these two sources, as well as from the captured German minutes (*2787–PS*). (Cf. also *3061–PS*.)

When President Hacha left the conference room in the Reichs Chancellery, he was in such a state of exhaustion that he needed medical attention from a physician who was on hand for that purpose. It appears that he was given an injection to sustain him during the ordeal. When the two Czechs returned to the room the Nazi conspirators again told them of the power and invincibility of the *Wehrmacht*. They reminded him that in three hours, at 6 in the morning, the German Army would cross the border. Goering boasted of what the German *Wehrmacht* would do if Czech forces resisted the invading Germans. If German lives were lost, Goering said, his Luftwaffe would blast half Prague into ruins in two hours. And that, Goering said, would be only the beginning. Under this threat of imminent and merciless attack by land and air, the President of Czechoslovakia at 4:30 in the morning signed the document with which the Nazi conspirators confronted him. This Declaration of 15 March 1939 reads:

> "the President of the Czechoslovak State * * * entrusts with entire confidence the destiny of the Czech people and the Czech country to the hands of the Fuehrer of the German Reich." (*TC–49*)

While the Nazi officials were threatening and intimidating the representatives of the Czech government, the *Wehrmacht* had in some areas already crossed the Czech border. The Czech industrial centres of Maehrisch-Ostrau and Witkowitz, close to the Silesian and Polish borders, were occupied by German troops and SS units during the early evening of 14 March. An article in the German military magazine, the *Wehrmacht*, of 29 March 1939 describes the movement of German troops during the occupation:

> "From Silesia, Saxony and Northern Bavaria and the Ost-

> mark, seven Army Corps moved on the morning of March 15 past the former Czech border. On the evening of March 14 parts of the VIII Army Corps and the SS Leibstandarte Adolf Hitler, under the command of the Commanding General of the VIII Army Corps, had already occupied the industrial centers of Witkowitz and Maehrisch Ostrau.
>
> "The troops of Army Group 3 under the command of General of Infantry Blaskowitz were to take Bohemia under their protection, while the troops of Army Group 5 under General of Inf. List were given the same mission for Moravia.
>
> "For this purpose parts of the Air Force (particularly reconnaissance planes and antiaircraft artillery) as well as parts of the *SS Verfuegungstruppen* were placed at the disposal of the two army groups.
>
> "On the evening of March 14, the march order was received by the troops. On March 15 at 6 A. M. the columns moved past the border and then moved on with utmost precision. * * *" (*3571–PS*)

(Other descriptions of the military movements of 14 and 15 March are contained in documents *2860–PS, 3618–PS,* and *3619–PS.*)

At dawn on 15 March German troops poured into Czechoslovakia from all sides. Hitler issued an order of the day to the Armed Forces and a proclamation to the German people, which stated succinctly, "Czechoslovakia has ceased to exist." (*TC–50*)

On the following day, in direct contravention of Article 81 of the Treaty of Versailles, Czechoslovakia was formally incorporated into the German Reich under the name of the "Protectorate of Bohemia and Moravia." This decree, signed in Prague on 16 March 1939 by Hitler, Lammers, Frick, and Ribbentrop, commenced with this declaration:

> "The Bohemian-Moravian countries belonged for a milennium to the living space of the German people." (*TC–51*)

The remainder of the decree sets forth in bleak detail the extent to which Czechoslovakia henceforth was to be subjugated to Germany. A German Protector was to be appointed by the Fuehrer for the so-called Protectorate. The German Government assumed charge of their foreign affairs and of their customs and their excise. It was specified that German garrisons and military establishments would be maintained in the Protectorate. (*TC–51*)

At the same time the extremist leaders in Slovakia, who at German insistence had done so much to undermine the Czech State, found that the independence of their week-old state was in fact qualified. A Treaty of Protection between Slovakia and the Reich was signed in Vienna on 18 March and by Ribbentrop in Berlin on 23 March (*1439–PS*). A secret protocol to this treaty was also signed in Berlin on 23 March by Ribbentrop for Germany, and by Tuka and Durcansky for Slovakia (*2793–PS*). The first four articles of this treaty provide:

> "The German Government and the Slovak Government have agreed, after the Slovak State has placed itself under the protection of the German Reich, to regulate by treaty the consequences resulting from this fact. For this purpose the undersigned representatives of the two governments have agreed on the following provisions.
>
> "ARTICLE 1. The German Reich undertakes to protect the political independence of the State of Slovakia and the integrity of its territory.
>
> "ARTICLE 2. For the purpose of making effective the protection undertaken by the German Reich, the German armed forces shall have the right, at all times, to construct military installations and to keep them garrisoned in the strength they deem necessary, in an area delimited on its western side by the frontiers of the State of Slovakia, and on its eastern side by a line formed by the eastern rims of the Lower Carpathians, the White Carpathians and the Javornik Mountains.
>
> "The Government of Slovakia will take the necessary steps to assure that the land required for these installations shall be conveyed to the German armed forces. Furthermore the Government of Slovakia will agree to grant exemption from custom duties for imports from the Reich for the maintenance of the German troops and the supply of military installations.
>
> "Military sovereignty will be assumed by the German armed forces in the zone described in the first paragraph of this Article.
>
> "German citizens who, on the basis of private employment contracts, are engaged in the construction of military installations in the designated zone shall be subject to German jurisdiction.
>
> "ARTICLE 3. The Government of Slovakia will organize its military forces in close agreement with the German armed forces.
>
> "ARTICLE 4. In accordance with the relationship of protection agreed upon, the Government of Slovakia will at all times conduct its foreign affairs in close agreement with the German Government." (*1439–PS*)

The secret protocol provided for close economic and financial collaboration between Germany and Slovakia. Mineral resources and subsoil rights were placed at the disposal of the German government. Article I, Paragraph 3, provided:

> "(3) Investigation, development and utilization of the Slovak natural resources. In this respect the basic principle is that insofar as they are not needed to meet Slovakia's own requirements, they should be placed in first line at Germany's disposal. The entire soil research (*Bodenforschung*) will be placed under the Reich agency for soil-research (*Reichsstelle fuer Bodenforschung*). The government of the Slovak State will soon start an investigation to determine whether the present owners of concessions and privileges have fulfilled the industrial obligations prescribed by law and it will cancel concessions and privileges in cases where these duties have been neglected." (*2793–PS*)

In their private conversations the Nazi conspirators gave abundant evidence that they considered Slovakia a puppet State, in effect a German possession. A memorandum of information given by Hitler to von Brauchitsch on 25 March 1939 deals in the main with problems arising from recently occupied Bohemia and Moravia and Slovakia. It states in part:

> "Col. Gen. Keitel shall inform Slovak Government via Foreign Office that it would not be allowed to keep or garrison armed Slovak units (Hlinka Guards) on this side of the border formed by the river Waag. They shall be transferred to the new Slovak territory. Hlinka Guards should be disarmed.
>
> "Slovak shall be requested via Foreign Office to deliver to us against payment any arms we want and which are still kept in Slovakia. This request is to be based upon agreement made between Army and Czech troops. For this payment these millions should be used which we will pour anyhow into Slovakia.
>
> "*Czech Protectorate.*
>
> "H. Gr. [translator's note: probably Army groups] shall be asked again whether the request shall be repeated again for the delivery of all arms within a stated time limit and under the threat of severe penalties.
>
> "We take all war material of former Czechoslovakia *without* paying for it. The guns bought by contract before 15 February though shall be paid for.
>
> "Bohemia-Moravia have to make annual contributions to the German treasury. Their amount shall be fixed on the basis

> of the expenses earmarked formerly for the Czech Army." (*R–100*)

The German conquest of Czechoslovakia in direct contravention of the Munich agreement was the occasion for formal protests from the British (*TC–52*) and French (*TC–53*) governments, both dated 17 March 1939. On the same day, 17 March 1939, the Acting Secretary of State of the United States issued a statement which read in part as follows:

> "* * * This Government, founded upon and dedicated to the principles of human liberty and of democracy, cannot refrain from making known this country's condemnation of the acts which have resulted in the temporary extinguishment of the liberties of a free and independent people with whom, from the day when the Republic of Czechoslovakia attained its independence, the people of the United States have maintained specially close and friendly relations." (*2862–PS*)

N. *The Importance of Czechoslovakia in Future Aggressions.*

With Czechoslovakia in German hands, the Nazi conspirators had accomplished the program they had set for themselves in the meeting in Berlin on 5 November 1937 (*386–PS*). This program of conquest had been intended to shorten Germany's frontiers, to increase its industrial and food reserves, and to place it in a position, both industrially and strategically, from which the Nazis could launch more ambitious and more devastating campaigns of aggression. In less than a year and a half this program had been carried through to the satisfaction of the Nazi leaders.

Of all the Nazi conspirators perhaps Goering was the most aware of the economic and strategic advantages which would accrue from the possession of Czechoslovakia. The Top Secret minutes of a conference with Goering in the Air Ministry, held on 14 October 1938—just two weeks after the occupation of the Sudetenland—reports a discussion of economic problems. At this date Goering's remarks were somewhat prophetic:

> "The Sudetenland has to be exploited with all the means. General Field Marshal Goering counts upon a complete industrial assimilation of the Slovakia. Czechia and Slovakia would become German dominions. Everything possible must be taken out. The Oder-Danube Canal has to be speeded up. Searches for oil and ore have to be conducted in Slovakia, notably by State Secretary Keppler." (*1301–PS, Item 10*)

In the summer of 1939, after the incorporation of Bohemia and Moravia into the Reich, Goering again revealed the great interest of the Nazi leaders in the Czechoslovak economic potential. The minutes dated Berlin, 27 July 1939, and signed Mueller, of a conference two days earlier between Goering and a group of officials from the OKW and from other agencies of the German government concerned with war production, read as follows:

> "1. In a rather long statement the Field Marshal explained that the incorporation of Bohemia and Moravia into the German economy had taken place, among other reasons, to increase the German war potential by exploitation of the industry there. Letters, such as the decree of the Reich Minister for Economics—S 10 402/39 of 10 July 39—as well as a letter with similar meaning to the JUNKERS firm, which might possibly lower the kind and extent of the armament measures in the Protectorate, are contrary to this principle. If it is necessary to issue such directives, this should be done only with his consent. In any case, he insists, in agreement with the directive by Hitler, that the war potential of the Protectorate is definitely to be exploited in part or in full and is to be directed towards mobilization as soon as possible. * * *" (*R-133*)

In addition to strengthening the Nazi economic potential for war, the conquest of Czechoslovakia provided the Nazis with new bases from which to wage their next war of aggression, the attack on Poland. It will be recalled that the minutes of the conference between Goering and a pro-Nazi Slovak delegation in the winter of 1938-39 state Goering's conclusions as follows:

> "Air bases in Slovakia are of great importance for the German Air Force for use against the East." (*2801-PS*)

In a conference between Goering, Mussolini, and Ciano on 15 April 1939, one month after the conquest of Czechoslovakia, Goering told his junior partners in the Axis of the progress of German preparations for war. He compared the strength of Germany with the strength of England and France. He mentioned the German occupation of Czechoslovakia in these words:

> "However, the heavy armament of Czechoslovakia shows, in any case, how dangerous this country could have been, even after Munich, in the event of a serious conflict. Because of Germany's action the situation of both Axis countries was ameliorated, among other reasons because of the economic possibilities which result from the transfer to Germany of the great production capacity (armament potential) of Czechoslovakia. That contributes toward a considerable strengthening of the axis against the Western powers. Furthermore, Germany now need not keep ready a single division for protection against that country in case of a big-

> ger conflict. This, too, is an advantage by which both axis countries will, in the last analysis, benefit."

* * * * * * *

> "* * * the action taken by Germany in Czechoslovakia is to be viewed as an advantage for the axis in case Poland should finally join the enemies of the axis powers. Germany could then attack this country from 2 flanks and would be within only 25 minutes flying distance from the new Polish industrial center which had been moved further into the interior of the country, nearer to the other Polish industrial districts, because of its proximity to the border. Now by the turn of events it is located again in the proximity of the border." (*1874-PS*)

The absorption of the Sudetenland, effected on 1 October 1938, in practical effect destroyed Czechoslovakia as a military power. The final conquest of Czechoslovakia came on 15 March 1939. This conquest had been the intention and aim of the Nazi leaders during the preparations for Case Green in the summer of 1938, and had been forestalled only by the Munich agreement. With Czechoslovakia, less than six months after the Munich agreement, securely in German hands, the Nazi conspirators had achieved their objective. Bohemia and Moravia were incorporated into the Reich, shortening German frontiers and adding the Czech manufacturing plant to the German war potential. The puppet state of Slovakia, conceived in Berlin and independent only in name, had been set up to the east of Moravia. In this state, which outflanked Poland to the south, the Nazi army, under the terms of the treaty drafted by Ribbentrop, took upon itself the establishment of bases and extensive military installations. From this state in September 1939 units of the German Army did, in fact, carry out the attack on Poland.

Logic and premeditation are patent in each step of the German aggression. Each conquest of the Nazi conspirators was deliberately planned as a stepping stone to new and more ambitious aggression. The words of Hitler in the conference in the Reichs Chancellery on 23 May 1939, when he was planning the Polish campaign, are significant,

> "The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims." (*L-79*)

It is appropriate to refer to two other speeches of the Nazi leaders. In his lecture at Munich on 7 November 1943 Jodl spoke as follows:

> "The bloodless solution of the Czech conflict in the autumn

> of 1938 and spring of 1939 and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it now became possible to consider the Polish problem on the basis of more or less favourable strategic premises." (*L–172*)

In the speech to his military commanders on 23 November 1939, Hitler described the process by which he had rebuilt the military power of the Reich:

> "The next step was Bohemia, Moravia and Poland. This step also was not possible to accomplish in one campaign. First of all, the western fortifications had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten-German territory. That was only a partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate and with that the basis for the action against Poland was laid." (*789–PS*)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE EXECUTION OF THE PLAN TO INVADE CZECHOSLOVAKIA

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5. OPENING ADDRESS FOR THE UNITED KINGDOM

The following address, opening the British presentation of the case under Count II of the Indictment, was delivered by Sir Hartley Shawcross, K.C., M.P., British Attorney General and Chief Prosecutor for the United Kingdom, before the Tribunal on 4 December 1945.

PART I

On an occasion to which reference has already been made Hitler, the Leader of the Nazi Conspirators who are now on trial before you, said in reference to their warlike plans:

> "I shall give a propagandist cause for starting the war, never mind whether it be true or not. The victor shall not be asked later on whether we tell the truth or not. In starting and making a war not the right is what matters but victory—the strongest has the right." (*1014-PS*)

The British Empire has twice been victorious in wars which have been forced upon it within the space of one generation but it is precisely because we realize that victory is not enough; that might is not necessarily right; that lasting peace and the rule of International Law is not to be achieved by the strong arm alone, that the British Nation is taking part in this trial. There are those who would perhaps say that these wretched men should have been dealt with summarily without trial by "executive action"; that their personal power for evil broken, they should be swept aside into oblivion without this elaborate and careful investigation as to the part they played in plunging the world in war. *Vae Victis.* Let them pay the penalty of defeat. But that is not the view of the British Empire or of the British Government. Not so would the Rule of Law be raised and strengthened on the international as well as the municipal plane; not so would future generations realize that right is not always on the side of the big battalions; not so would the world be made aware that the waging of aggressive war is not only a dangerous venture but a criminal one. Human memory is short. Apologists for defeated nations are sometimes able to play upon the sympathy and magnanimity of their victors so that the true facts, never authoritatively recorded, become obscured and forgotten. One has only to recall the circumstances following the last world war to see the dangers to which, in the absence of any authoritative judicial pronouncement a tolerant or a credulous people is exposed. With the passage of time the former tend to discount, perhaps because of their very horror, the stories of aggression and atrocity which may be handed down; the latter, misled by fanatical and dishonest propagandists, come to believe that it was not they but their opponents who were guilty of what they would themselves condemn. And so we believe that this Tribunal, acting, as we know it will act notwithstanding its appointment by the victorious powers, with complete and judicial objectivity, will provide a contemporary touchstone and an authoritative and impartial record to which future historians may turn for truth and future politicians for warning. From this record all generations shall know not only what our generation suffered but also that our suffering was the result of crimes against the laws of peoples which the peoples of the world enforced and will continue in the future to uphold by international cooperation, not based merely on military alliances but firmly grounded in the rule of law.

Nor, though this procedure and this Indictment of individuals may be novel, is there anything new in the principles which by this prosecution we seek to enforce. Ineffective though, alas, the sanctions proved themselves to be, the Nations of the world had, as it will be my purpose to show, sought to make aggressive war an international crime, and although previous tradition has sought to punish States rather than individuals, it is both logical and right that if the act of waging war is itself an offense against International Law those individuals who shared personal responsibility for bringing such wars about should answer personally for the course into which they lead their states. Again, individual war crimes have long been regarded by International Law as triable by the Courts of those States whose nationals have been outraged at least so long as a state of war persists. It would indeed be illogical in the extreme if those who, although they may not with their own hands have committed individual crimes, were resposible for systematic breaches of the laws of war affecting the nationals of many States should escape. So also in regard to crimes against humanity. The right of humanitarian intervention on behalf of the rights of man trampled upon by the State in a manner shocking the sense of mankind has long been considered to form part of the law of Nations. Here, too, the Charter merely develops a pre-existing principle. If murder, raping and robbery are indictable under the ordinary municipal laws of our countries shall those who differ only from the common criminal by the extent and systematic nature of their offenses escape accusation?

It is, as I shall show, the view of the British Government that in these matters the Tribunal will apply to individuals not the law of the victor but the accepted principles of international usage in a way which will, if anything can, promote and fortify the rule of International Law and safeguard the future peace and security of this war-stricken world.

By agreement between the Chief Prosecutors it is my task on behalf of the British Government and of the other States associated on this Prosecution to present the case on Count 2 of the Indictment and to show how these Defendants in conspiracy with each other and with persons not now before this Tribunal planned and waged a war of aggression in breach of the Treaty obligations by which, under International Law Germany, as other States, had sought to make such wars impossible.

That task falls into two parts. The first is to demonstrate the nature and the basis of the Crime against Peace which, under the Charter of this Tribunal, is constituted by waging wars of aggression and in violation of Treaties. The second is to establish beyond doubt that such wars were waged by these Defendants.

As to the first, it would no doubt be sufficient to say this. It is not incumbent upon the Prosecution to prove that wars of aggression and wars in violation of International Treaties are, or ought to be, International Crimes. The Charter of this Tribunal has prescribed that they are crimes and that the Charter is the Statute and the law of this Court. Yet, though that is the clear and mandatory law governing the jurisdiction of this Tribunal, we feel that we should not be fully discharging our task in the abiding interest alike of international justice and morality unless we showed the position of that provision of the Charter against the whole perspective of International Law. For just as some old English Statutes were substantially declaratory of the Common Law, so this Charter substantially declares and creates a jurisdiction in respect of what was already the Laws of Nations.

Nor is it unimportant to emphasize that aspect of the matter lest there be some, now or hereafter, who might allow their judgment to be warped by plausible catchwords or by an uninformed and distorted sense of justice towards these Defendants. It is not difficult to be misled by such phrases as that resort to war in the past has not been a crime; that the power to resort to war is one of the prerogatives of the sovereign State; that the Charter in constituting wars of aggression a crime has imitated one of the most obnoxious doctrines of National Socialist jurisprudence, namely *post factum* legislation; that the Charter is in this respect reminiscent of Bills of Attainder—and that these proceedings are no more than a measure of vengeance, subtly concealed in the garb of judicial proceedings which the Victor wreaks upon the Vanquished. These things may sound plausible—yet they are not true. It is, indeed, not necessary to doubt that some aspects of the Charter bear upon them the imprint of significant and salutary novelty. But it is our submission and conviction, which we affirm before this Tribunal and the world that fundamentally the provision of the Charter which constitutes such wars as these Defendants joined in waging and in planning a crime is not in any way an innovation. That provision does no more than constitute a competent jurisdiction for the punishment of what not only the enlightened conscience of mankind but the Law of Nations itself constituted an International Crime before this Tribunal was established and this Charter became part of the public law of the world.

So first let this be said. Whilst it may be true that there is no body of international rules amounting to law in the Austinian sense of a rule imposed by a sovereign upon a subject obliged to obey it under some definite sanction, yet for fifty years or more the people of the world, striving perhaps after that ideal of which the poet speaks:

> When the War Drums throb no longer
> And the Battle Flags are furled,
> In the Parliament of Man,
> The Federation of the World

have sought to create an operative system of rules based on the consent of nations to stabilize international relations, to avoid war taking place at all and to mitigate the results of such wars as took place. The first such treaty was of course the Hague Convention of 1899 for the Pacific Settlement of International Disputes. This was, indeed, of little more than precatory effect and we attach no weight to it for the purpose of this case, but it did establish agreement that in the event of serious disputes arising between the signatory powers, they would so far as possible submit to mediation. That Convention was followed in 1907 by another Convention reaffirming and slightly strengthening what had previously been agreed. These early conventions fell indeed very far short of outlawing war or of creating any binding obligation to arbitrate. I shall certainly not ask you to say any crime was committed by disregarding them. But at least they established that the contracting powers accepted the general principle that if at all possible war should be resorted to only if mediation failed.

Although these Conventions are mentioned in the Indictment I do not rely on them save to show the historical development of the law. It is unnecessary, therefore, to argue about their effect, for their place has been taken by more effective instruments. They were the first steps.

There were, of course, other individual agreements between particular States which sought to preserve the neutrality of individual countries as, for instance, that of Belgium, but those agreements were, in the absence of any real will to comply with them, entirely inadequate to prevent the first World War in 1914.

Shocked by the occurrence of that catastrophe the Nations of Europe, not excluding Germany, and of other parts of the World came to the conclusion that in the interests of all alike a permanent organization of the Nations should be established to maintain the peace. And so the Treaty of Versailles was prefaced by the Covenant of the League of Nations.

I say nothing at this moment of the general merits of the various provisions of the Treaty of Versailles. They have been criticized, some of them perhaps justly, and they were made the subject of much warlike propaganda in Germany. But it is unnecessary to enquire into the merits of the matter, for however unjust one might for this purpose assume the Treaty to be, it contained no kind of excuse for the waging of war to secure an alteration in its terms. For not only was it a settlement by agreement of all the difficult territorial questions which had been left outstanding by the war itself but it established the League of Nations which, if it had been loyally supported, could so well have resolved those international differences which might otherwise have led, as they did lead, to war. It set up in the Council of the League, in the Assembly and in the Permanent Court of International Justice, a machine not only for the peaceful settlement of international disputes but also for the ventilation of all international questions by frank and open discussion. At the time the hopes of the world stood high. Millions of men in all countries—perhaps even in Germany—had laid down their lives in what they believed and hoped to be a war to end war. Germany herself entered the League and was given a permanent seat on the Council, on which, as in the Assembly, German Governments which preceded that of the Defendant Von Papen in 1932 played their full part. In the years from 1919 to 1932 despite some minor incidents in the heated atmosphere which followed the end of the war, the peaceful operation of the League continued. Nor was it only the operation of the League which gave good ground for hope that at long last the rule of law would replace that of anarchy in the international field.

The Statesmen of the world deliberately set out to make wars of aggression an international Crime. These are no new terms, invented by the Victors to embody in this Charter. They have figured prominently in numerous treaties, in governmental pronouncements and in declarations of Statesmen in the period preceding the Second World War. In treaties concluded between the Union of Soviet Socialist Republics and other States—such as Persia (1 October 1927), France (2 May 1935), China (21 August 1937)—the Contracting Parties undertook to refrain from any act of aggression whatsoever against the other Party. In 1933 the Soviet Union became a party to a large number of treaties containing a detailed definition of aggression. The same definition appeared in the same year in the authoritative Report of the Committee on Questions of Security set up in connection with the Conference for the Reduction and the Limitation of Armaments. But States went beyond commitments to refrain from wars of aggression and to assist States victims of aggression. They *condemned* wars of aggression. Thus in the Anti-War Treaty of Non-Aggression and Conciliation of 10 October 1933, a number of American States—subsequently joined by practically all the States of the American Continent and a number of European countries—the Contracting Parties solemnly declared that "they condemned wars of aggression in their mutual relations or in those of other States." That Treaty was fully incorporated into the Buenos Aires Convention of December 1936 signed and ratified by a large number of American countries, including the United States of America. Previously, in February 1928, the Sixth Pan-American Conference adopted a Resolution declaring that as "war of aggression constitutes a crime against the human species * * * all aggression is illicit and as such is declared prohibited." In September 1927 the Assembly of the League of Nations adopted a resolution affirming the conviction that "a war of aggression can never serve as a means of settling international disputes *and is, in consequence, an international crime*" and declaring that "all wars of aggression are, and shall always be, prohibited." The first Article of the Draft Treaty for Mutual Assistance of 1923 reads: "The High Contracting Parties, affirming that aggressive war is an international crime, undertake the solemn engagement not to make themselves guilty of this crime against any other nation." In the Preamble to the Geneva Protocol of 1924 it was stated that "offensive warfare constitutes an infraction of solidarity and an international crime." These instruments remained unratified, for various reasons, but they are not without significance or instruction.

These repeated condemnations of wars of aggression testified to the fact that, with the establishment of the League of Nations and with the legal developments which followed it, the place of war in International Law had undergone a profound change. War was ceasing to be the unrestricted prerogative of sovereign States. The Covenant of the League did not totally abolish the right of war. It left certain gaps which probably were larger in theory than in practice. In effect it surrounded the right of war by procedural and substantive checks and delays which, if the Covenant had been observed, would have amounted to an elimination of war not only between Members of the League, but also, by virtue of certain provisions of the Covenant, in the relations of non-Members. Thus the Covenant restored the position as it existed at the dawn of International Law, at the time when Grotius was laying the foundations of the modern law of nations and established the distinction, accompanied by profound legal consequences in the sphere of neutrality, between just and unjust wars.

Neither was that development arrested with the adoption of the Covenant. The right of war was further circumscribed by a series of treaties—numbering nearly one thousand—of arbitration and conciliation embracing practically all the nations of the world. The so-called Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice which conferred upon the Court compulsory jurisdiction with regard to most comprehensive categories of disputes and which constituted in effect the most important compulsory treaty of arbitration in the post-war period, was widely signed and ratified. Germany herself signed it in 1927.; her signature was renewed and renewed, for a period of five years, by the National-Socialist Government in July 1933. (Significantly, that ratification was not renewed on the expiration of its validity in March 1938.) Since 1928 a considerable number of States signed and ratified the General Act for the Pacific Settlement of International Disputes which was designed to fill the gaps left by the Optional Clause and the existing treaties of arbitration and conciliation.

All this vast network of instruments of pacific settlement testified to the growing conviction that war was ceasing to be the normal and legitimate means of settling international disputes. The express condemnation of wars of aggression, which has already been mentioned, supplied the same testimony. But there was more direct evidence pointing in that direction. The Treaty of Locarno of 16th October 1925, to which I will refer later and to which Germany was a party, was more than a treaty of arbitration and conciliation in which the parties undertook definite obligations with regard to the pacific settlement of disputes that might arise between them. It was, subject to clearly specified exceptions of self-defense in certain contingencies, a more general undertaking in which the parties agreed that "they will in no case attack or invade each other or resort to war against each other". This constituted a general renunciation of war and was so considered to be in the eyes of jurists and of the public opinion of the world. For the Locarno Treaty was not just one of the great number of arbitration treaties concluded at that time. It was regarded as the corner stone of the European settlement and of the new legal order in Europe in partial, voluntary and generous substitution for the just rigours of the Treaty of Versailles. With it the term "outlawry of war" left the province of mere pacifist propaganda. It became current in the writings on international law and in official pronouncements of governments. No jurist of authority and no statesman of responsibility would have associated himself, subsequent to the Locarno Treaty, with the plausible assertion that, at least as between the parties, war had remained an unrestricted right of sovereign States.

But although the effect of the Locarno Treaty was limited to the parties to it, it had a wider influence in paving the way towards that most fundamental and truly revolutionary enactment in modern international law, namely, the General Treaty for the Renunciation of War of 27 August 1928, known also as the Pact of Paris, or the Kellogg-Briand Pact, or the Kellogg Pact. That Treaty—a most deliberate and carefully prepared piece of international legislation—was binding in 1939 upon more than sixty nations, including Germany. It was—and has remained—the most widely signed and ratified international instrument. It contained no provision for its termination, and was conceived as the corner-stone of any future international order worthy of that name. It is fully part of international law as it stands today, and has in no way been modified or replaced by the Charter of the United Nations. It is right, in this solemn hour in the history of the world when the responsible leaders of a State stand accused of a premeditated breach of this great Treaty which was—and remains—a source of hope and faith for mankind, to set out in detail its two operative Articles and its Preamble:

"The Preamble

"The President of the German Reich, * * *

"Deeply sensible of their solemn duty to promote the welfare of mankind;

"Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made to the end that the peaceful and friendly relations now existing between their peoples may be perpetuated;

"Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly progress, and that any signatory Power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this Treaty;

"Hopeful that, encouraged by their example, all the other nations of the world will join in this humane endeavour and by adhering to the present Treaty as soon as it comes into force bring their peoples within the scope of its beneficent provisions, thus uniting civilized nations of the world in a common renunciation of war as an instrument of their national policy;

* * * * * * *

"Article I

"The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

"Article II

"The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

In that General Treaty for the Renunciation of War practically the entire civilized world abolished war as a legally permissible means of enforcing the law and of changing it. The right of war was no longer of the essence of sovereignty. Whatever the position may have been in 1914 or in 1918 (and it is not necessary to discuss it) no International lawyer of repute, no responsible Statesman, no soldier concerned with the legal use of Armed Forces could doubt that with the Pact of Paris on the Statute Book a war of aggression was contrary to positive International Law. Nor have the repeated violations of the Pact of the Axis Powers in any way affected its validity. Let this be firmly and clearly stated. Those very breaches, except to the cynic and the malevolent, have added to its strength; they provoked the sustained wrath of people angered by the contemptuous disregard of the great Statute and determined to vindicate its provisions. The Pact of Paris is the Law of Nations. This Tribunal will enforce it.

Let this also be said. The Pact of Paris was not a clumsy enactment likely to become a signpost for the guilty. It did not enable Germany to go to war against Poland and yet rely, as against Great Britain and France, on any immunity from warlike action because of the provisions of the Pact of Paris. For that Pact laid down expressly in its Preamble that no State guilty of a violation of its provisions may invoke its benefits. When on the outbreak of the Second World War Great Britain and France communicated to the League of Nations the fact that a state of war existed between them and Germany as from 3 September, 1939, they declared that by committing an act of aggression against Poland Germany had violated her obligations assumed not only towards Poland but also towards other signatories of the Pact of Paris. A violation of the Pact in relation to one signatory was an attack upon all the other signatories and they were fully entitled to treat it as such. This point is to be emphasized lest any of the defendants should seize upon the letter of the Particulars of Count Two of the Indictment and maintain that it was not Germany who initiated war with the United Kingdom and France on 3 September 1939. The declaration of war came from the United Kingdom and France; the act of war and its commencement came from Germany in violation of the fundamental enactment to which she was a party.

The General Treaty for the Renunciation of War, the great constitutional instrument of an international society awakened to the deadly dangers of another Armageddon, did not remain an isolated effort soon to be forgotten in the turmoil of recurrent international crises. It became, in conjunction with the Covenant of the League of Nations or independently of it, the starting point for a new orientation of governments in matters of peace, war and neutrality. It is of importance to quote some of these statements and declarations. In 1929, His Majesty's Government in the United Kingdom said, in connection with the question of conferring upon the Permanent Court of International Justice jurisdiction with regard to the exercise of belligerent rights in relation to neutral States:

> "* * * But the whole situation * * * rests, and International Law on the subject has been entirely built up, on the assumption that there is nothing illegitimate in the use of war as an instrument of national policy, and, as a necessary corollary, that the position and rights of neutrals are entirely independent of the circumstances of any war which may be in progress. Before the acceptance of the Covenant, the basis of the law of neutrality was that the

> rights and obligations of neutrals were identical as regards both belligerents, and were entirely independent of the rights and wrongs of the dispute which had led to the war, or the respective position of the belligerents at the bar of world opinion.
>
> "* * * Now it is precisely this assumption which is no longer valid as regards states which are members of the League of Nations and parties to the Peace Pact. The effect of those instruments, taken together, is to deprive nations of the right to employ war as an instrument of national policy, and to forbid the states which have signed them to give aid or comfort to an offender. As between such states, there has been in consequence a fundamental change in the whole question of belligerent and neutral rights. The whole policy of His Majesty's present Government (and, it would appear, of any alternative government) is based upon a determination to comply with their obligations under the Covenant of the League and the Peace Pact. This being so, the situation which we have to envisage in the event of a war in which we were engaged is not one in which the rights and duties of belligerents and neutrals will depend upon the old rules of war and neutrality, but one in which the position of the members of the League will be determined by the Covenant and the Pact. * * *" (Memorandum on the Signature of His Majesty's Government in the United Kingdom of the Optional Clause of the Statute, Misc. No. 12 (1929), Cmd. 3452, p. 9).

Chief of Counsel for the United States referred in his opening speech before this Tribunal to the weighty pronouncement of Mr. Stimson, the Secretary of State, in which, in 1932, he gave expression to the drastic change brought about in International Law by the Pact of Paris. It is convenient to quote the relevant passage in full:

> "War between nations was renounced by the signatories of the Briand-Kellogg Treaty. This means that it has become illegal throughout practically the entire world. It is no longer to be the source and subject of rights. It is no longer to be the principle around which the duties, the conduct, and the rights of nations revolve. It is an illegal thing. Hereafter when two nations engage in armed conflict either one or both of them must be wrongdoers—violators of this general treaty law. We no longer draw a circle about them and treat them with the punctilios of the duelist's code. Instead we denounce them as law-breakers."

Nearly ten years later, when numerous independent States lay prostrate, shattered or menaced in their very existence before the impact of the war machine of the Nazi State, the Attorney-General of the United States—subsequently a distinguished member of the highest tribunal of that great country—gave weighty expression to the change which had been effected in the law as the result of the General Treaty for the Renunciation of War. He said on 27 March 1941:

> "* * * The Kellogg-Briand Pact of 1928, in which Germany, Italy and Japan covenanted with us, as well as with other nations, to renounce war as an instrument of policy, made definite the outlawry of war and of necessity altered the dependent concept of neutral obligations.
>
> "* * * The Treaty for the Renunciation of War and the Argentine Anti-War Treaty deprived their signatories of the right of war as an instrument of national policy or aggression and rendered unlawful wars undertaken in violation of their provisions. In consequence, these treaties destroyed the historical and juridical foundations of the doctrine of neutrality conceived as an attitude of absolute impartiality in relation to aggressive wars. * * *
>
> "It follows that the state which has gone to war in violation of its obligations acquires no right to equality of treatment from other states, unless treaty obligations require different handling of affairs. It derives no rights from its illegality.
>
> "* * * In flagrant cases of aggression where the facts speak so unambiguously that world opinion takes what may be the equivalent of judicial notice, we may not stymie International Law and allow these great treaties to become dead letters. Intelligent public opinion of the world which is not afraid to be vocal and the action of the American States has made a determination that the Axis Powers are the aggressors in the wars today which is an appropriate basis in the present state of international organization for our policy. * * *"

There is thus no doubt that by the time the National-Socialist State had embarked upon the preparation of the war of aggression against the civilized world and by the time it had accomplished that design, aggressive war had, in virtue of the Pact of Paris and of other treaties, become illegal beyond all uncertainty and doubt. It is on that Universal Treaty that Count 2 is principally based.

The Prosecution has deemed it necessary—indeed imperative—to establish beyond all possibility of doubt, at what may appear to be excessive length, that only superficial learning or culpable sentimentality can assert that there is any significant element of retroactive law in the determination of the authors of the Charter to treat aggressive war as conduct which International Law has prohibited and stigmatized as criminal. We have traced the progressive limitation of the right of war, the renunciation and condemnation of wars of aggression, and, above all, the total prohibition and condemnation of all war conceived as an instrument of national policy. What statesman or politician in charge of the affairs of a nation could doubt, from 1928 onwards, that aggressive war, that all war—except in self-defense, or for the collective enforcement of the law, or against a State which has itself violated the Pact of Paris—was unlawful and outlawed? What statesman or politician embarking upon such war could reasonably and justifiably count upon an immunity other than that by a successful outcome of the criminal venture? What more decisive evidence of a prohibition laid down by positive International Law could any lawyer desire than that which has been adduced here?

There are, it is true, some small town lawyers who deny the existence of any International Law. Indeed, as I have said, the rules of the law of Nations may not satisfy the Austinian test of being imposed by a sovereign. But the legal regulation of International Relations rests upon quite different juridical foundations. It depends upon consent, but upon consent which cannot be withdrawn by unilateral action. In the International field the source of law is not the command of a sovereign but the treaty agreement binding upon every state which has adhered to it. It is indeed true—and the recognition of its truth today by all the great Powers of the World is vital to our future peace—that as M. Litvinoff once said, and as Great Britain fully accepts, "Absolute Sovereignty and entire liberty of action only belong to such states as have not undertaken International obligations. Immediately a state accepts International obligations it limits its sovereignty".

Yet it may be argued that although war had been outlawed and forbidden it was not criminally outlawed and forbidden. International Law, it may be said, does not attribute criminality to states, still less to individuals. But can it really be said on behalf of these Defendants that the offense of these aggressive wars, which plunged millions of peoples to their deaths, which by dint of war crimes and crimes against humanity brought about the torture and extermination of countless thousands of innocent civilians; which devastated cities; which destroyed the amenities

—nay the most rudimentary necessities of civilization in many countries, which has brought the world to the brink of ruin from which it will take generations to recover—will it seriously be said that such a war is only an offense, only an illegality, only a matter of condemnation and not a crime justiciable by any Tribunal? No Law worthy of the name can permit itself to be reduced to an absurdity. Certainly the Great Powers responsible for this Charter have refused to allow it. They drew the inescapable consequences from the renunciation, prohibition, and condemnation of war which had become part of the law of Nations. They refused to reduce justice to impotence by subscribing to the outworn doctrines that the sovereign state can commit no crime and that no crime can be committed by individuals on its behalf. Their refusal so to stultify themselves has decisively shaped the law of this Tribunal.

If this be an innovation, it is innovation long overdue—a desirable and beneficent innovation fully consistent with justice, with commonsense and with the abiding purposes of the law of Nations. But is it indeed so clear an innovation? Or is it no more than the logical development of the law? There was indeed a time when International lawyers used to maintain that the liability of a State was, because of its sovereignty, limited to contractual responsibility. International tribunals have not accepted that view. They have repeatedly affirmed that a State can commit a tort; that it may be guilty of trespass, of a nuisance, of negligence. They have gone further. They have held that a State may be bound to pay what are in effect penal damages for failing to provide proper conditions of security to aliens residing within their territory. In a recent case decided in 1935 between the United States and Canada an arbitral commission, with the concurrence of its American member, decided that the United States were bound to pay what amounted to penal damages for an affront to Canadian sovereignty. On a wider plane the Covenant of the League of Nations, in providing for sanctions, recognized the principle of enforcement of the law against collective units—such enforcement to be, if necessary, of a penal character. There is thus nothing startlingly new in the adoption of the principle that the State as such is responsible for its criminal acts. In fact, save for the reliance on the unconvincing argument of sovereignty, there is in law no reason why a State should not be answerable for crimes committed on its behalf. In a case decided nearly one hundred years ago Dr. Lushington, a great English Admiralty judge, refused to admit that a State cannot be a pirate. History, very recent history, does not warrant the view that a

State cannot be a criminal. On the contrary, the immeasurable potentialities for evil inherent in the State in this age of science and organization would seem to demand imperatively means of repression of criminal conduct even more drastic and more effective than in the case of individuals. In so far therefore as the Charter has put on record the principle of the criminal responsibility of the State it must be applauded as a wise and far-seeing measure of international legislation.

Admittedly, the conscience shrinks from the rigours of collective punishment, which fall upon the guilty and the innocent alike—although, it may be noted, most of those innocent victims would not have hesitated to reap the fruits of the criminal act if it had been successful. Humanity and justice will find means of mitigating any injustice of collective punishment. Above all, much hardship can be obviated by making the punishment fall upon the individuals directly responsible for the criminal conduct of the State. It is here that the Powers who framed the Charter took a step which justice, sound legal sense and an enlightened appreciation of the good of mankind must acclaim without cavil or reserve. The Charter lays down expressly that there shall be individual responsibility for the crimes, including the crime against the peace, committed on behalf of the State. The State is not an abstract entity. Its rights and duties are the rights and duties of men. Its actions are the actions of men. It is a salutory principle of the law that politicians who embark upon a war of aggression should not be able to seek immunity behind the intangible personality of the State. It is a salutory legal rule that persons who, in violation of the law, plunge their own and other countries into an aggressive war, do so with a halter round their necks.

To say that those who aid and abet, who counsel and procure a crime are themselves criminals is a commonplace in our own municipal jurisprudence. Nor is the principle of individual international responsibility for offenses against the law of nations altogether new. It has been applied not only to pirates. The entire law relating to war crimes—as distinguished from the crime of war—is based on that principle. The future of International Law and, indeed, of the world, depends on its application in a much wider sphere—in particular in that of safeguarding the peace of the world. There must be acknowledged not only, as in the Charter of the United Nations, fundamental human rights, but also, as in the Charter of this Tribunal, fundamental human duties. Of these none is more vital or more fundamental than the duty not to vex the peace of nations in violation of the clearest legal prohibitions and undertakings. If this is an innovation, then it is one which we are prepared to defend and to justify. It is not an innovation which creates a new crime. International Law had already, before the Charter was adopted, constituted aggressive war a criminal act.

There is therefore in this respect no substantial retroactivity in the provisions of the Charter. It merely fixes the responsibility for a crime, clearly established as such by positive law, upon its actual perpetrators. It fills a gap in international criminal procedure. There is all the difference between saying to a man: "You will now be punished for an act which was not a crime at the time you committed it", and telling him: "You will now pay the penalty for conduct which was contrary to law and a crime when you executed it though, owing to the imperfection of international machinery, there was at that time no court competent to pronounce judgment against you." If that be retroactivity, we proclaim it to be most fully consistent with that higher justice which, in the practice of civilized States, has set a definite limit to the retroactive operation of laws. Let the defendants and their protagonists complain that the Charter is in this as in other matters an *ex parte* fiat of the victor. These victors, composing as they do the overwhelming majority of the nations of the world, represent also the world's sense of justice which would be outraged if the crime of war, after this second World War, were to remain unpunished. In thus interpreting, declaring and supplementing the existing law they are content to be judged by the verdict of history. *Securus judicat orbis terrarum.* In so far as the Charter of this Tribunal introduces new law, its authors have established a precedent for the future—a precedent operative against all, including themselves. In essence that law, rendering recourse to aggressive war an international crime, had been well established when the Charter was adopted. It is only by way of corruption of language that it can be described as a retroactive law.

There remains the question, with which it will not be necessary to detain the Tribunal for long, whether these wars launched by Germany and her leaders in violation of treaties, agreements or assurances, were also wars of aggression. A war of aggression is one which is resorted to in violation of the international obligation not to have recourse to war or, in cases in which war is not totally renounced, when it is resorted to in disregard of the duty to utilize the procedure of pacific settlement which a State has bound itself to observe. There was indeed, in the period between the two World Wars, a divergence of view among jurists and statesmen whether it was preferable to attempt in advance a legal definition of aggression or to leave to the States concerned and to the collective organs of the international community freedom of appreciation of the facts in any particular situation that might arise. Those holding the latter view urged that a rigid definition might be abused by an unscrupulous State to fit in with its aggressive design; they feared, and the British Government was for a time among those who thought so, that an automatic definition of aggression might become "a trap for the innocent and sign-post for the guilty". Others held that in the interest of certainly and security a definition of aggression, like a definition of any crime in municipal law, was proper and useful; they urged that the competent international organs, political and judicial, could be trusted to avoid any particular case a definition of aggression which might lead to obstruction or to an absurdity. In May 1933 the Committee on Security Questions of the Disarmament Conference proposed a definition of aggression on the following lines:

> "The aggressor in an international conflict shall, subject to the agreements in force between the parties to the dispute, be considered to be that State which is the first to commit any of the following actions:
>
> "(1) declaration of war upon another state;
>
> "(2) invasion by its armed forces, with or without a declaration of war, of the territory of another State;
>
> "(3) attack by its land, naval, or air forces, with or without a declaration of war, on the territory, vessels, or aircraft of another State;
>
> "(4) naval blockade of the coasts or ports of another State;
>
> "(5) provision of support to armed bands formed in its territory which have invaded the territory of another State, or refusal, notwithstanding the request of the invaded State, to take in its own territory all the measures in its power to deprive those bands of all assistance or protection."

The various treaties concluded in 1933 by the Union of Soviet Socialist Republics and other States followed closely that definition. So did the Draft Convention submitted in 1933 by His Majesty's Government in the United Kingdom to the Disarmament Conference.

However, it is unprofitable to elaborate here the details of the problem or of the definition of aggression. This Tribunal will not allow itself to be deflected from its purpose by attempts to ventilate in this Court what is an academic and, in the circumstances, an utterly unreal controversy as to what is a war of aggression. There is no definition of aggression, general or particular, which does not cover abundantly and irresistibly and in every material detail the premeditated onslaught by Germany upon the territorial integrity and the political independence of so many States.

This then being the law—that the peoples of the world by the Pact of Paris had finally outlawed war and made it criminal—let us turn to the facts and see how these Defendants under their Leader and with their associates destroyed the high hopes of mankind and sought to revert to international anarchy. And first in general terms let this be said, for it will be established beyond doubt by the documents. From the moment Hitler became Chancellor in 1933, with the Defendant Von Papen as Vice Chancellor, and with the Defendant Von Neurath as his Foreign Minister, the whole atmosphere of the world darkened. The hopes of the people began to recede. Treaties seemed no longer matters of solemn obligation, but were entered into with complete cynicism as a means for deceiving other States of Germany's war-like intentions. International Conferences were no longer to be used as a means for securing pacific settlements but as occasions for obtaining by blackmail demands which were eventually to be enlarged by war. The World came to know the War of Nerves, the diplomacy of the fait accompli, of blackmail and bullying.

In October 1933 Hitler told his Cabinet that as the proposed Disarmament Convention did not concede full equality to Germany, "It would be necessary to torpedo the Disarmament Conference. It was out of the question to negotiate: Germany would leave the Conference and the League". And on the 21st October 1933 she did so, and by so doing struck a deadly blow at the fabric of security which had been built up on the basis of the League Covenant. From that time on the record of their foreign policy became one of complete disregard of all international obligations and certainly not least of those solemnly concluded by themselves. As Hitler had expressly avowed, "Agreements are kept only so long as they serve a certain purpose" (*789–PS*). He might have added that often the purpose was only to lull an intended victim into a false sense of security. So patent, indeed, did this eventually become that to be invited by the Defendant Ribbentrop to enter into a nonaggression pact with Germany was almost a sign that Germany intended to attack the state concerned. Nor was it only the formal treaty which they used and violated as circumstances made expedient. These Defendants are charged, too, with breaches of the less formal assurances which, in accordance with diplomatic usage Germany gave to neighboring states. To-day with the advance of science the world has been afforded means of communication and intercourse hitherto unknown, and as Hitler himself expressly recognized, International relations no longer depend upon treaties alone. The methods of diplomacy change. The Leader of one Nation can speak to the Government and peoples of another. But though the methods change the principles of good faith and honesty, established as the fundamentals of civilized society, both in the national and the International spheres, remain. It is a long time since it was said that we are part, one of another. And if to-day the different states are more closely connected and thus form part of a World Society more than ever before, so also more than ever before is there that need of good faith between them.

Let us see further how these Defendants, Ministers and High Officers of the Nazi Government individually and collectively comported themselves in these matters.

PART II

In the early hours of the 1st September 1939 under manufactured and, in any event, inadequate, pretexts, the armed Forces of the German Reich invaded Poland along the whole length of her Frontiers and thus launched upon the world the war which was to bring down so many of the pillars of our civilization. It was a breach of the Hague Conventions (*TC–2*). It was a breach of the Treaty of Versailles which had established the Frontiers between Germany and Poland. And however much Germany disliked that Treaty—although Hitler had stated that he would respect its territorial provisions—she was certainly not free to break it by unilateral action. It was a breach of the Arbitration Treaty between Germany and Poland concluded at Locarno on 16th October 1925 (*TC–15*). By that Treaty Germany and Poland expressly agreed to refer any matters of dispute not capable of settlement by ordinary diplomatic machinery to the decision of an Arbitral Tribunal or of the Permanent Court of International Justice. But that is not all. It was also a breach of a more recent and, in view of the repeated emphasis laid on it by Hitler himself, a more important engagement into which Nazi Germany had entered. On the 26th January 1934 the German and Polish Governments had signed a ten year Pact of Non-aggression (*TC–21*). It was, as the signatories stated, to introduce "a new era in the political relations between Poland and Germany". It was stated in the text of the Pact itself that "the maintenance and guarantee of lasting Peace between the two countries is an essential prerequisite for the general peace of Europe". The two Governments therefore agreed to base their mutual relations on the principles laid down in the Pact of Paris of 1928. They declared that

> "In no circumstances * * * will they proceed to the application of force for the purpose of reaching a decision in such disputes". (*TC–21*)

That declaration and agreement was to remain in force for at least ten years and thereafter would remain valid unless it was denounced by either Government six months before the expiration of the ten years, or subsequently a denunciation, with six months notice took place.

Both at the time of its signature and during the following four years Hitler spoke of the German-Polish Agreement publicly as though it were a corner-stone of his foreign policy. By entering into it he persuaded many people that his intentions were genuinely pacific, for the re-emergence of an independent Poland had cost Germany much territory and had separated East Prussia from the Reich. That Hitler should of his own accord enter into friendly relations with Poland; that in his speeches on foreign policy he should proclaim his recognition of Poland's right to an exit to the sea, and the necessity for Germans and Poles to live side by side in amity—these facts seemed to the world convincing proof that Hitler had no "revisionist" aims which would threaten the peace of Europe, and that he was even genuinely anxious to put an end to the age-old hostility between the Teuton and the Slav. If his professions were genuine his policy excluded a renewal of the *Drang nach Osten* and thereby would contribute to the stability of Europe. We shall have occasion enough to see how little truth these pacific professions contained. The history of the fateful years from 1934 to 1939 shows quite clearly that the Germans used this Treaty, as they used other Treaties, merely as an instrument of policy for furthering their aggressive aims. It is clear from the documents now presented to the Tribunal that these five years fall into two distinct phases in the realization of aggressive aims which always underlay the Nazi policy. There was first the period from the Nazi assumption of power in 1933 until the autumn of 1937. That was the preparatory period. During that time there occurred the breaches of the Versailles and Locarno Treaties, the feverish rearmament of Germany, the reintroduction of conscription, the reoccupation and remilitarization of the Rhineland, and all the other necessary preparatory measures for future aggression with which my United States colleagues have already so admirably dealt. During that time they lulled Poland into a false sense of security. Not only Hitler, but also the Defendant Goering and the Defendant Ribbentrop made statements approbating the Pact. In 1935 Goering was saying that "the pact was not planned for a period of ten years but forever: there need not be the slightest fear that it would not be continued." Even though Germany was steadily building up the greatest war machine that Europe had ever known, and although, by January 1937, the German military position was so secure that Hitler could refer openly to his strong Army, he took pains also to say at the time that "by a series of agreements we have eliminated existing tensions and thereby contributed considerably to an improvement in the European atmosphere. I merely recall the agreement with Poland which has worked out to the advantage of both sides. * * *" (*2368–PS*). And so it went on—abroad protestations of pacific intentions—at home "guns before butter".

In 1937, however, this preparatory period drew to a close and Nazi policy moved from general preparation for future aggression to specific planning for the attainment of certain specific aggressive aims. Two documents in particular mark this change.

The first of these was an important "Directive for unified preparation for War" issued on June 29, 1937, by the Reich-Minister for War (von Blomberg) and C-in-C of the Armed Forces (*C–175*). This document is important, not only for its military directions, but for the appreciation it contained of the European situation and for the revelation it provides of the Nazi attitude towards it.

> "The general political position", von Blomberg stated, "justifies the supposition that Germany need not consider an attack from any side. Grounds for this are, in addition to the lack of desire for war in almost all Nations, particularly the Western Powers, the deficiencies in the preparedness for war of a number of States, and of Russia in particular". (*C–175*)

He added, it is true, "The intention of unleashing an European War is held just as little by Germany". And it may be that that phrase was carefully chosen, for Germany hoped to conquer the world in detail: to fight on one front at a time, not to unleash a general European conflict. But, he went on, "the politically fluid world situation, which does not preclude surprising incidents, demands a continuous preparedness for war of the German Armed Forces (*a*) to counter attack at any time (yet he had just said that there was no fear of any attack) and (*b*) to enable the military exploitation of politically favorable opportunities should they occur". That phrase is no more than a euphemistic description of aggressive war. It reveals the continued adherence of the German military leaders to the doctrine that military might, and if necessary war, should be an instrument of policy—the doctrine explicitly condemned by the Kellogg Pact, to which Germany had adhered. The document goes on to set out the general preparations necessary for a possible war in the mobilization period 1937/1938. The document is evidence at least for this—that the leaders of the German Armed Forces had it in mind to use the military strength which they were building up for aggressive purposes. "No reason"—they say—"to anticipate attack from any side * * * there is a lack of desire for war". Yet they prepare to "exploit militarily favorable opportunities".

Still more important as evidence of the transition to planned aggression is the record of the important conference which Hitler held at the Reichs Chancellery on November 5, 1937, at which von Blomberg, Reich Minister for War, von Fritsch, C-in-C of the Army, Goering, C-in-C of the Luftwaffe, Raeder, C-in-C of the Navy and von Neurath, then the Reich Minister for Foreign Affairs, were present. The minutes of that conference have already been put in evidence (*386-PS*). I refer to them now to emphasize those passages which make apparent the ultimate intention to wage an aggressive war. As will be remembered, the burden of Hitler's argument at that conference was that Germany required more territory in Europe. Austria and Czechoslovakia were specifically envisaged. But Hitler realized that the process of conquering these two countries might well bring into operation the treaty obligations of Great Britain and France. He was prepared to take the risk.

> "The history of all times: Roman Empire, British Empire, has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable: neither formerly nor today has space been found without an owner. The attacker always comes up against the proprietor. The question for Germany is where the great possible conquest can be made at the lowest possible cost". (*386-PS*)

In the course of his address to that Conference Hitler had foreseen and discussed the likelihood that Poland would be involved if the aggressive expansionist aims which he put forward brought about a general European war in the course of their realization by Germany. When, therefore, on that very day Hitler assured the Polish Ambassador of the value of the 1934 Pact it can only be concluded that its real value in Hitler's eyes was that of keeping Poland quiet until Germany had acquired such a territorial and strategic position that Poland would no longer be a danger to her.

That view is confirmed by the events which followed. At the beginning of February 1938 the change from Nazi preparation for aggression to active aggression itself took place. It was marked by the substitution of Ribbentrop for Neurath as Foreign Minister, and of Keitel for Blomberg as head of OKW. Its first fruits were the bullying of Schuschnigg at Berchtesgaden on February 12, 1938, and the forcible absorption of Austria in March. Thereafter the Green Plan (*Fall Gruen*) for the destruction of Czechoslovakia was steadily developed—the plan partially foiled, or of which the final consummation was at least delayed, by the Munich Agreement.

With these developments of Nazi aggression my United States colleagues have already dealt. But it is obvious that the acquisition of these two countries, and of their resources in manpower and in the production of munitions of war, immensely strengthened the position of Germany as against Poland. It is, therefore, not surprising that, just as the defendant Goering assured the Czechoslovak Minister in Berlin, at the time of the Nazi invasion of Austria that Hitler recognized the validity of the German-Czechoslovak Arbitration Treaty of 1925, and that Germany had no designs against Czechoslovakia herself—"I give you my word of honor" said Goering—so also continued assurances should be given during 1938 to Poland in order to keep that country from interfering with the Nazi aggression on Poland's neighbors.

Thus, on the 20th February 1938 on the eve of his invasion of Austria, Hitler, referring to the fourth anniversary of the Polish Pact, permitted himself to say this to the Reichstag:

> "* * * and so a way to a friendly understanding has been successfully paved, an understanding which beginning with Danzig has today succeeded in finally taking the poison out of the relations between Germany and Poland and transforming them into a sincere friendly cooperation. Relying on her friendships, Germany will not leave a stone unturned to save that ideal which provides the foundation for the task ahead of us—Peace". (*2357-PS*)

Still more striking are the cordial references to Poland in Hitler's speech in the Sportpalast at Berlin on the 26 September 1938. He then said:

> "The most difficult problem with which I was confronted was that of our relations with Poland. There was a danger that Poles and Germans would regard each other as hereditary enemies. I wanted to prevent this. I know well enough that I should not have been successful if Poland had had a demo-

> cratic constitution. For these democracies which indulge in phrases about peace are the most bloodthirsty war agitators. In Poland there ruled no democracy, but a man: and with him I succeeded, in precisely twelve months, in coming to an agreement which, for ten years in the first instance, entirely removed the danger of a conflict. We are all convinced that this agreement will bring lasting pacification. We realize that here are two peoples which must live together and neither of which can do away with the other. A people of 33 millions will always strive for an outlet to the sea. A way for understanding, then, had to be found, and it will be ever further extended. Certainly things were hard in this area. * * * But the main fact is that the two Governments, and all reasonable and clear-sighted persons among the two peoples and in the two countries, possess the firm will and determination to improve their relations. It was a real work of peace, of more worth than all the chattering in the League of Nations Palace at Geneva".

Thus flattery of Poland preceded the annexation of Austria and renewed flattery of Poland preceded the projected annexation of Czechoslovakia. The realities behind these outward expressions of goodwill are clearly revealed in the documents relating to *Fall Gruen,* which are already before the Tribunal. They show Hitler as fully aware that there was risk of Poland, England and France being involved in war to prevent the German annexation of Czechoslovakia, and that this risk though realized was also accepted. On the 25th August top secret orders to the German Air Force in regard to the operations to be conducted against England and France if they intervened pointed out that, as the French-Czechoslovak Treaty provided for assistance only in the case of "unprovoked" attack, it would take a day or two for France and England to decide whether legally the attack was unprovoked or not. A blitzkrieg accomplishing its aims before effective intervention became possible was the object to be aimed at.

On the same day an Air Force memorandum on future organization was issued to which was attached a map on which the Baltic States, Hungary, Czechoslovakia and Poland are all shown as part of Germany and preparations for expanding the Air Force "as the Reich grows in area", as well as dispositions for a two-front war against France and Russia are discussed (*L–43; Chart No. 10*). And on the following day von Ribbentrop is being minuted about the reaction of Poland towards the Czechoslovak problem:

> "The fact that after the liquidation of the Czech question it

will be generally assumed that Poland will be next in turn" is recognized but, it is stated, "the later this assumption sinks in, the better". (*TC–76*)

I will pause at the date of the Munich Agreement for a moment and ask the Tribunal to consider what the evidence of documents and historical facts shows up to that time. It has made undeniable the fact both of Nazi aggressiveness and of active aggression. Not only does the Conference of 1937 reveal Hitler and his associates deliberately considering the acquisition of Austria and Czechoslovakia, if necessary by war, but the first of those operations had been carried through in March 1938 and a large part of the second, under threat of war, though without actual need for its initiation, in September of the same year. More ominous still, Hitler had revealed his adherence to his old doctrines of *Mein Kampf,* those essentially aggressive to the exposition of which in *Mein Kampf* long regarded as the Bible of the Nazi Party we shall draw attention. He is in pursuit of *Lebensraum* and he means to secure it by threats of force or, if they fail, by force, by aggressive war.

So far actual warfare has been avoided because of the love of peace, the lack of preparedness, the patience or the cowardice—which you will—of the democratic Powers. But, after Munich, the questions which filled the minds of all thinking people with acute anxiety was, "Where will this end? Is Hitler now satisfied, as he declares he is? Or will his pursuit of *Lebensraum* lead to further aggressions, even if he has to make an openly aggressive war to secure it?"

It was in relation to the remainder of Czechoslovakia and to Poland that the answer to these questions was to be given. So far no direct and immediate threat to Poland had been made. The two documents from which I have just quoted (*L–43; TC–76*) show that high officers of the defendant Goering's Air Staff already regarded the extension of the Reich and, it would appear, the destruction and absorption of Poland as a foregone conclusion. They were already anticipating, indeed, the last stage of Hitler's policy stated in *Mein Kampf,* war to destroy France and to secure *Lebensraum* in Russia. And the writer of the Minute to Ribbentrop already took it for granted that, after Czechoslovakia, Poland would be attacked. More impressive than these two documents is the fact that, as I have said, the record of the Conference of November 5, 1937, shows that war with Poland, if she should dare to attempt to prevent German aggression against Czechoslovakia, had been coolly contemplated and that the Nazi leaders were ready to take the risk. So also had the risk of war with England and

France under the same circumstances been considered and accepted. Such a war would, of course, have been an aggressive war on Nazi Germany's part. For to force one State to take up arms to defend another against aggression in order to fulfill treaty obligations is to initiate aggressive war against the first State.

Yet it remains true that until Munich the decision for direct attack upon Poland and her destruction by aggressive war had apparently not as yet been taken by Hitler and his associates. It is to the transition from the intention and preparation of initiating an aggressive war, evident in regard to Czechoslovakia, to the actual initiation and waging of aggressive war against Poland that I now pass. That transition occupies the eleven months from October 1, 1938 to the actual attack on Poland on September 1, 1939.

Within six months of the signature of the Munich Agreement the Nazi Leaders had occupied the remainder of Czechoslovakia, which by that agreement they had indicated their willingness to guarantee. On March 14th, 1939, the aged and infirm President of the "Rump" of Czechoslovakia, Hacha, and his Foreign Minister, Chvalkowsky, were summoned to Berlin. At a meeting held between 1.15 and 2.15 a. m. in the small hours of the 15th March in the presence of Hitler and the defendants Ribbentrop, Goering, and Keitel, they were bullied and threatened and informed bluntly that Hitler "had issued the order for the German troops to march into Czechoslovakia, and for the incorporation of this country into the German Reich". It was made quite clear to them that resistance would be useless and would be crushed "by force of arms with all available means". It was thus that the Protectorate of Bohemia and Moravia was set up and that Slovakia was turned into a German satellite, though nominally independent, state. By their own unilateral action, on pretexts which had no shadow of validity, without discussion with the Governments of any other country, without mediation and in direct contradiction of the sense and spirit of the Munich Agreement, the Germans acquired for themselves that for which they had been planning in September of the previous year, and indeed much earlier, but which at that time they had felt themselves unable completely to secure without too patent an exhibition of their aggressive intentions. Aggression achieved whetted the appetite for aggression to come. There were protests. England and France sent diplomatic notes. Of course there were protests. The Nazis had clearly shown their hand. Hitherto they had concealed from the outside world that their claims went beyond incorporating into the Reich persons of German Race living in bordering territory. Now for the first time, in defiance of their own solemn assurances to the contrary, non-German territory had been seized. This acquisition of the whole of Czechoslovakia, together with the equally illegal occupation of Memel on the 22d March, resulted in an immense strengthening of the German position, both politically and strategically, as Hitler had anticipated it would when he discussed the matter at his conference on November 5th, 1937. *(386–PS)*

Long before the consummation by the Nazi Leaders of their aggression against Czechoslovakia, however, they had already begun to make demands upon Poland. On October 25th, 1938, that is to say within less than a month of Hitler's reassuring speech about Poland already quoted and of the Munich Agreement itself, M. Lipski, the Polish Ambassador in Berlin, reported to M. Beck, the Polish Foreign Minister, that at a luncheon at Berchtesgaden the day before (October 24th) the defendant Ribbentrop had put forward demands for the reunion of Danzig with the Reich and for the building of an extra-territorial motor road and railway line across Pomorze, that is,. the province which the Germans called the Corridor. From that moment onwards until the Polish Government had made it plain, during a visit of the defendant Ribbentrop to Warsaw which ended on January 27th, 1939, that they would not consent to hand over Danzig to German Sovereignty negotiations on these German demands continued. Even after Ribbentrop's return Hitler thought it worth while in his Reichstag Speech on January 30th, 1939 to say—

> "We have just celebrated the fifth anniversary of the conclusion of our nonaggression pact with Poland. There can scarcely be any difference of opinion today among the true friends of peace as to the value of this agreement. One only needs to ask oneself what might have happened to Europe if this agreement, which brought such relief, had not been entered into five years ago. In signing it, the great Polish marshal and patriot rendered his people just as great a service as the leaders of the National-Socialist State rendered the German people. During the troubled months of the past year the friendship between Germany and Poland has been one of the reassuring factors in the political life of Europe".

That utterance, however, was the last friendly word from Germany to Poland and the last occasion upon which the Nazi Leader mentioned the German-Polish Agreement with approbation. During February 1939 silence fell upon German demands. But as soon as the final absorption of Czechoslovakia had taken place, and Germany had also absorbed Memel, Nazi pressure upon Poland was at once renewed. In two conversations between himself and the defendant Ribbentrop, held on March 21st and March 26th respectively (Polish White Book Number 61 and Number 63), German demands upon Poland were renewed and further pressed. In view of the fate which had overtaken Czechoslovakia and of the grave deterioration in her strategical position towards Germany it is not surprising that the Polish Government took alarm at these developments. Nor were they alone in this. The events of March 1939 had at last convinced both the English and French Governments that the Nazi designs of aggression were not limited to men of German race and that the spectre of European war resulting from further aggressions by Nazi Germany had not been exorcised by the Munich Agreement.

As a result, therefore, of the concern of Poland, England, and France at the events in Czechoslovakia and at the newly applied pressure on Poland, conversations between the English and Polish Governments had been taking place, and, on 31st March, 1939, Mr. Neville Chamberlain, speaking in the House of Commons, stated that His Majesty's Government had given an assurance to help Poland in the event of any action which clearly threatened Polish independence and which the Polish Government accordingly considered it vital to resist (*TC–72 No. 17*). On 6th April 1939 an Anglo-Polish communique stated that the two countries were prepared to enter into an Agreement of a permanent and reciprocal character to replace the present temporary and unilateral assurance given by His Majesty's Government. (*TC–72, No. 18)*

The justification for such concern is not difficult to find. With the evidence which we now have of what was happening within the councils of the German Reich and its armed forces during these months it is manifest that the German Government were intent on seizing Poland as a whole, that Danzig—as Hitler was to say himself a month later—"was not the subject of the dispute at all". The Nazi Government was intent upon aggression and the demands and negotiations in respect of Danzig were merely a cover and excuse for further domination.

As far back as September 1938 plans for aggressive war against Poland, England, and France were well in hand. While Hitler, at Munich, was telling the world that the German people wanted peace and that, having solved the Czechoslovakian problem, Germany had no more territorial problems in Europe, the staffs of his armed forces were already preparing plans. On the 26th September 1938 he had said:

> "We have given guarantees to the States in the West. We have assured all our immediate neighbours of the integrity of their territory as far as Germany is concerned. That is no mere phrase. It is our sacred will. We have no interest whatever in a breach of the peace. We want nothing from these peoples."

The world was entitled to rely upon these assurances. International cooperation is impossible unless one can assume good faith in the leaders of the various States. But within two months of that solemn and considered undertaking, Hitler and his confederates were preparing for the seizure of Danzig. To recognize these assurances, these pledges, these diplomatic moves as the empty frauds they were, one must go back to enquire what was happening within the inner councils of the Reich from the time of the Munich Agreement.

Written some time in September 1938 is an extract from a file on the Reconstruction of the German Navy (*C–23*). Under the heading "Opinion on the Draft Study of Naval Warfare against England" it is stated:

> "1. If, according to the Fuehrer's decision Germany is to acquire a position as a world power, she needs not only sufficient colonial possessions but also secure naval communications and secure access to the ocean.
>
> "2. Both requirements can only be fulfilled in opposition to Anglo-French interests and would limit their position as world powers. It is unlikely that they can be achieved by peaceful means. The decision to make Germany a world power, therefore, forces upon us the necessity of making the corresponding preparations for war.
>
> "3. War against England means at the same time war against the Empire, against France, probably against Russia as well and a large number of countries overseas, in fact, against half to one-third of the world.
>
> "It can only be justified and have a chance of success if it is prepared economically as well as politically and militarily and waged with the aim of conquering for Germany an outlet to the ocean." (*C–23*)

Here is something which is both significant and new. Until this date the documents in our possession disclose preparations for war against Poland, England, and France purporting at least to be defensive measures to ward off attacks which might result from the intervention of those powers in the preparatory aggression of Germany in Central Europe. Hitherto aggressive war against Poland, England, and France has been contemplated only as a distant objective. Now, for the first time, we find a war of conquest by Germany against France and England openly recognized as the future aim, at least of the German Navy.

On the 24th November 1938 an Appendix was issued by Keitel to a previous order of the Fuehrer. In this Appendix there are set out the future tasks for the armed forces and the preparation for the conduct of the war which would result from those tasks.

> "The Fuehrer has ordered that besides the three eventualities mentioned in the previous Directive preparations are also to be made for the surprise occupation by German troops of the Free State of Danzig.
>
> "For the preparation the following principles are to be borne in mind—the primary assumption is the lightning seizure of Danzig by exploiting a favorable political situation and not war with Poland * * *. Troops which are going to be used for this purpose must not be held at the same time for the seizure of Memel-land, so that both operations can take place simultaneously should such necessity arise." (*C–137*)

Thereafter, as the evidence which has already been produced has shown, final preparations for the invasion of Poland were taking place. On the 3d April 1939, three days before the issue of the Anglo-Polish communique, Keitel issued to the High Command of the Armed Forces a Directive in which it was stated that the Directive for the uniform preparation of war by the armed forces in 1939-40 was being re-issued, and that the part concerning Danzig would be issued in the middle of April. The basic principles were to remain the same as in the previous Directive. Attached to this document were the orders *"Fall Weiss"*, the code name for the proposed invasion of Poland. Preparations for that invasion were to be made in such a way that the operation could be carried out at any time from the 1st September 1939 onwards. (*C–120*)

On the 11th April Hitler issued his Directive for the uniform preparations of war by the armed forces 1939-40. In it he says:

> "I shall lay down in a later Directive future tasks of the armed forces and the preparations to be made in accordance with these for the conduct of war. Until that Directive comes into force the armed forces must be prepared for the following eventualities:
>
> "1. Safeguarding of the frontiers.
>
> "2. *"Fall Weiss"*.
>
> "3. The annexation of Danzig."

In an Annex to that document headed "Political Hypotheses and Aims" it is stated that quarrels with Poland should be avoided. Should Poland, however, change her present policy and adopt a threatening attitude towards Germany, a final settlement would be necessary, notwithstanding the pact with Poland. The Free City of Danzig was to be incorporated into Germany at the outbreak of the conflict at the latest. The policy aims to limit the war to Poland and this is considered possible with the internal crisis in France and resulting British restraint.

The wording of this document does not directly involve the intention of immediate aggression. It is a plan of attack "if Poland changes her policy and adopts a threatening attitude". But the picture of Poland, with her inadequate armaments, threatening Germany is ludicrous enough and the real aim emerges in the sentence "The aim is then to destroy Polish military strength and to create, in the East, a situation which satisfies the requirements of defense"—a sufficiently vague phrase to cover designs of any magnitude. Even now the evidence does not suffice to prove that the actual decision to attack Poland has been taken. But all preparations are being set in train in case that decision is reached.

It was within three weeks of the date of this last document that Hitler addressed the Reichstag (April 28th, 1939). In his speech he repeated the German demands already made to Poland and proceeded to denounce the German-Polish Agreement of 1934. Leaving aside for the moment the warlike preparations for aggression, which Hitler had set in train behind the scenes, I will ask the Tribunal to consider the nature of the denunciation of an Agreement to which, in the past, Hitler had professed to attach so high an importance.

In the first place Hitler's denunciation was *per se* ineffectual, since the text of the Agreement made no provision for its denunciation by either Party until six months before the expiration of the ten years for which it was concluded. No denunciation could be legally affective, therefore, until June or July 1943, and Hitler was speaking on April 28th 1939—more than five years too soon!

In the second place Hitler's actual attack on Poland when it came on September 1st, 1939, was made before the expiration of the six months period after denunciation required by the Agreement before such a denunciation became operative. In the third place the grounds for his denunciation of the Agreement stated by Hitler in his speech to the Reichstag are entirely specious. However one reads its terms it is impossible to accept the view that the Anglo-Polish guarantee of mutual assistance against aggression could render the Pact null and void. If that were so then certainly the Pacts already entered into by Hitler with Italy and Japan had already invalidated it, and Hitler might have spared his breath. But the truth is that the text of the German-Polish Agreement contains nothing whatever to support Hitler's contention.

Why then did Hitler make this trebly invalid attempt to denounce his own pet diplomatic child? Is there any other possible answer but that, the Agreement having served its purpose, the grounds which he put forward were chosen merely in an effort to provide Germany with some justification for the aggression on which she was intent.

For Hitler sorely needed some kind of justification, some apparently decent excuse, since nothing had happened, or was likely to happen, from the Polish side to provide him with it. So far he had made demands upon his Treaty partner which Poland, as a sovereign State had every right to refuse. If dissatisfied with that refusal Hitler was bound, under the terms of the Agreement itself, to "seek a settlement through other peaceful means, without prejudice to the possibility of applying those methods of procedure, in case of necessity, which are provided for such a case in the other agreements between them that are in force"—a reference, it can only be supposed, to the German-Polish Arbitration Treaty signed at Locarno in 1925.

The very fact, therefore, that as soon as the Nazi leader cannot get what he wants, but is not entitled to, from Poland by merely asking for it, and that, on his side, he made no further effort to settle the dispute "by peaceful means" in accordance with the terms of the Agreement and of the Kellogg Pact, to which the Agreement pledged both Parties, in itself creates a strong presumption of aggressive intentions against Hitler and his associates. That presumption becomes a certainty when the documents to which I shall now refer are studied.

On 10th May Hitler issued an order for the capture of economic installations in Poland and on 16th May the Defendant Raeder, as Commander in Chief of the Navy, issued a memorandum setting out the Fuehrer's instructions to prepare for the operation "Fall Weiss" at any time from the 1st September 1939. (*C–120*)

But the decisive document is the record of the Conference held by Hitler on May 23d, 1939 with various high-ranking officers, including the defendants Goering, Raeder, and Keitel. Hitler then stated that the solution of the economic problems could not be found without invasion of foreign States and attacks on foreign property.

"Danzig is not the subject of the dispute at all: it is a ques-

> tion of expanding our living space in the East * * *. There is therefore no question of sparing Poland, and we are left with the decision: to attack Poland at the earliest opportunity. We cannot expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland. The success of this isolation will be decisive. The isolation of Poland is a matter of skillful politics." (*L–79*)

He anticipated the possibility that war with England and France might result. But a two front war was to be avoided if possible. Yet England was recognized as the most dangerous enemy. "England is the driving force against Germany * * * the aim will always be to force England to her knees." More than once he repeated that the war with England and France would be a life and death struggle. All the same, he concluded, "We shall not be forced into war but we shall not be able to avoid one."

On the 14th June, 1939, General Blaskowitz, then Commander in Chief of the 3d Army Group, issued a detailed battle plan for the *"Fall Weiss"* (*2327–PS*). The following day Von Brauchitsch issued a memorandum in which it was stated that the object of the impending operating was to destroy the Polish Armed Forces. "High Policy demands"—he said—"that the war should be begun by heavy surprise blows in order to achieve quick results (*C–126*). The preparations proceeded apace. On the 22d June Keitel submitted a preliminary time table for the operation which Hitler seems to have approved and suggested that the scheduled manouevre must be camouflaged "in order not to disquiet the population". On the 3d July Brauchitsch wrote to Raeder urging that certain preliminary naval moves should be abandoned in order not to prejudice the surprise of the attack. On the 12th and 13th August Hitler and Ribbentrop had a conference with Ciano, the Italian Foreign Minister.

At the beginning of the conversation Hitler emphasized the strength of the German position, of its western and eastern fortifications and of the strategic and other advantages that they held in comparison with those of England, France, and Poland.

> "Since the Poles through their whole attitude had made it clear that in any case in the event of a conflict they would stand on the side of the enemies of Germany and Italy, a quick liquidation at the present moment could only be of advantage for the unavoidable conflict with the Western democracies. If a hostile Poland remained on Germany's Eastern frontier, not only would the eleven East Prussian divisions be tied down, but also further contingents would be kept in Pomerania and Silesia. This would not be necessary

> in the event of a previous liquidation. Generally speaking, the best thing to happen would be for the neutrals to be liquidated one after the other. This process could be carried out more easily if on every occasion one partner of the Axis covered the other while it was dealing with an uncertain neutral. Italy might well regard Yugoslavia as a neutral of this kind."

Ciano was for postponing the operation. Italy was not ready—she believed that a conflict with Poland would develop into a general European war. Mussolini was convinced that conflict with the Western democracies was inevitable but he was making plans for a period two or three years ahead. But the Fuehrer said that the Danzig question must be settled one way or the other by the end of August. "He had, therefore, decided to use the occasion of the next Polish provocation in the form of an ultimatum." On the 22d August Hitler called his Supreme Commanders together at Obersalzburg and gave the order for the attack: in the course of what he said he made it clear that the decision to attack had in fact been made not later than the previous spring. He would give a spurious cause for starting the war (*1014–PS; L–3*). At that time the attack was timed for the early hours of the 26th August. On the day before the British Government, in the hope that Hitler might still be reluctant to plunge the world into war, and in the belief that a formal treaty would impress him more than the informal assurances which had been given previously, entered into an agreement for mutual assistance with Poland, embodying the previous assurances. It was known to Hitler that France was bound by the Franco-Polish Treaty of 1921, and by the Guarantee Pact signed at Locarno in 1925 to intervene in Poland's aid in case of aggression. For a moment Hitler hesitated. Goering and Ribbentrop agree that it was this Anglo-Polish Treaty which led him to call off, or rather postpone the attack. Perhaps he hoped that there was still some chance of repeating, after all, what he had called the Czech affair. If so, his hopes were shortlived.

On the 27th August Hitler accepted Mussolini's decision not at once to come into the war, but asked for propaganda support and a display of military activities to create uncertainty in the minds of the Allies. Ribbentrop on the same day said that the Armies were marching.

In the meantime, of course, and particularly in the last month, desperate attempts had been made by the Western Powers to avert war. You will have details of them in evidence. Of the intervention of the Pope. Of President Roosevelt's message. Of the offer by Mr. Chamberlain to do our utmost to create the conditions in which all matters in issue could be the subject of free negotiations and to guarantee the resultant decisions. This and all the other efforts of honest men to avoid the horror of a European war were predestined to failure. The Germans were determined that the day for war had come. On the 31st August Hitler issued a top secret order for the attack to commence in the early hours of the 1st September. The necessary frontier incidents duly occurred—was it for these that Keitel had been instructed by Hitler to supply Heydrich with Polish uniforms?—and thus, without a declaration of war, without even giving the Polish Government an opportunity of seeing Germany's final demands the Nazi troops invaded Poland. On the 3d September, Hitler sent a telegram to Mussolini thanking him for his intervention but pointing out that the war was inevitable and that the most promising moment had to be picked after cold deliberation (*1831–PS*). And so Hitler and his Confederates now before this Tribunal began the first of their wars of aggression for which they had prepared so long and so thoroughly. They waged it so fiercely that within a few weeks Poland was overrun.

On the 23d November 1939 Hitler reviewed the situation to his military Commanders and in the course of his speech he said this:

> "One year later Austria came; this step was also considered doubtful. It brought about a tremendous reinforcement of the Reich. The next step was Bohemia, Moravia, and Poland. This step also was not possible to accomplish in one campaign. First of all the Western fortifications had to be finished * * *. Then followed the creation of the Protectorate and with that the basis of action against Poland was laid. But I wasn't quite clear at that time whether I should start first against the East and then in the West or vice versa. The decision came to fight with Poland first. One might accuse me of wanting to fight again and again. In struggle, I see the fate of all human beings." (*789–PS*)

He was not sure when to attack first. But that sooner or later he would attack was never in doubt, and he had been warned not only by the British and French Prime Ministers but even by his confederate Mussolini that an attack on Poland would bring England and France into the war. He chose what he considered the opportune moment—and he struck.

In these circumstances the intent to wage war against England and France, and to precipitate it by an attack on Poland, is not to be denied. Here was defiance of the most solemn treaty obligations: here was neglect of the most pacific assurances. Here was aggression, naked and unashamed, which was indeed to arouse the horrified and heroic resistance of all civilized peoples but which was to tear down many of the pillars of our civilization.

Once started upon the active achievement of their plan to secure the domination of Europe, if not of the world, the Nazi Government proceeded to attack other countries, as occasion offered. The first actually to be invaded after the attack on Poland were Denmark and Norway.

On the 9th April 1940 the German Armed Forces invaded Norway and Denmark without warning, without any declaration of war. It was a breach of the Hague Convention of 1907. It was a breach of the Convention of Arbitration and Conciliation between Germany and Denmark dated 2d June, 1926. It was, of course, a breach of the Briand-Kellogg Pact of 1928. It was a violation of the Nonaggression Treaty between Germany and Denmark made on the 31st May 1939. And it was a breach of the most explicit assurances which had been given. After his annexation of Czechoslovakia had shaken the confidence of the world, Hitler attempted to reassure the Scandinavian States. On the 28th April, 1939, he affirmed that he had never made any request to them which was incompatible with their sovereignty and independence. On the 31st May, 1939, he signed a nonaggression Pact with Denmark.

On the 2d September, the day after he had invaded Poland and seized Danzig, he again expressed his determination to observe the inviolability and integrity of Norway in an aide memoire which was handed to the Norwegian Foreign Minister by the German Minister in Oslo on that day. (*TC–31*)

A month later, on the 6th October 1939, he said in a public speech:

> "Germany has never had any conflicts of interest or even points of controversy with the Northern States, neither has she any to-day. Sweden and Norway have both been offered nonaggression pacts by Germany and have both refused them solely because they do not feel themselves threatened in any way."

When the invasion of Norway and Denmark had already begun in the early morning of the 9th April, a German memorandum was handed to the Governments of those countries attempting to justify the German action. Various allegations against the Governments of the invaded countries were made. It was said that Norway had been guilty of breaches of neutrality. It was said that she had allowed and tolerated the use of her territorial waters by Great Britain. It was said that Britain and France were making plans themselves to invade and occupy Norway and that the Government of that country was prepared to acquiesce in such an event.

I do not propose to argue the question whether or not those allegations were true or false. That question is irrelevant to the issue before this Court. Even if the allegations were true (and they were patently false), they would afford no conceivable justification for the action of invading without warning, without declaration of war and without any attempt at mediation or conciliation. Aggressive war is none the less aggressive war because the State which wages it believes that other states may take similar action. The rape of a nation is not justified because it is thought she may be raped by another. Nor even in self-defense are warlike measures justified except after all means of mediation have failed and force is actually being exercised against the State concerned.

In actual fact, with the evidence which we now possess it is clear that the invasion of these countries was undertaken for quite different purposes, that it had been planned long before any question of breach of neutrality or occupation of Norway by England could ever have occurred. It is clear also that the assurances repeated again and again throughout the year 1939 were made for no other purpose than to lull suspicion in those countries and to prevent them taking steps to resist the attack against them which was under active preparation.

For some years, Rosenberg, in his capacity of Chief of the Foreign Affairs Bureau (APA) of the NSDAP, had interested himself in the promotion of fifth column activities in Norway, and close relationship was established with the "Nasjonal Samling", a political group headed by the now notorious traitor, Vidkun Quisling (*007–PS*). During the winter of 1938/39, APA was in contact with Quisling and later Quisling conferred with Hitler, Raeder, and Rosenberg. In August 1939 a special 14 day course was held at the school of the office of Foreign Relations in Berlin for 25 followers whom Quisling had selected to attend. The plan was to send a number of selected and "reliable" men to Germany for a brief military training in an isolated camp. These were to be area and language specialists to German special troops who were taken to Oslo on coal barges to undertake political action in Norway. The object was a coup in which Quisling would seize his leading opponents in Norway, including the King, and prevent all military resistance from the beginning. Simultaneously Germany was making military preparations. On the 2d September, 1939, Hitler had assured Norway of his intention to respect her neutrality, and on 6th October he said that the

Scandinavian States were not menaced in any way, yet on 3d October 1939 Raeder was pointing out that the occupation of bases, if necessary by force, would greatly improve the strategic and economic position (*1546*–PS). On the 9th October Doenitz was recommending Trondheim as the main base with Narvik as an alternative base for fuel supplies. Rosenberg was reporting shortly afterwards on the possibility of a coup d'etat by Quisling immediately supported by German military and naval forces. On the 12th December 1939 Raeder advised Hitler, in the presence of Keitel and Jodl, that if Hitler was favourably impressed by Quisling, OKW should prepare for the occupation of Norway, if possible with Quisling's assistance, but if necessary entirely by force. Hitler agreed but there was a doubt whether action should be taken against the Low Countries or Scandinavia first. Weather conditions delayed the march against the Low Countries. In January instructions were given to the Germany Navy for the attack on Norway, and on March 1st, 1940, a Directive for the occupation was issued by Hitler. The general objective was not said to be to prevent occupation by English Forces but in vague and general terms to prevent British encroachment in Scandinavia and the Baltic and "to guarantee our ore bases in Sweden and give our Navy and Air Force a wider start line against Britain." But the Directive went on:

> "* * * on principle we will do our utmost to make the operation appear as a peaceful occupation the object of which is the military protection of the Scandinavian States * * * it is important that the Scandinavian States as well as the Western opponents should be taken by surprise by our measures. * * * In case the preparations for embarkation can no longer be kept secret the leader and the troops will be deceived with fictitious objectives."

The form and success of the invasion are well known. In the early hours of the 9th April 7 cruisers, 14 destroyers, and several torpedo boats and other small craft carried advance elements of 6 divisions totalling about 10,000 men, forced an entry and landed troops in the outer Oslo Fjord, Kristiansand, Stavanger, Bergen, Trondheim, and Narvik. A small number of troops were also landed at Arendal and Egersund on the southern coast. In addition airborne troops were landed on aerodromes near Oslo and Stavanger. The German attack came as a surprise and all the invaded towns along the coast were captured according to plan with only slight losses. Only the plan to capture the King and members of the Government and the Parliament failed. Brave as the resistance was that was hurriedly organized throughout the country, nothing could be done in the face of the long-planned surprise attack and on 10 June military resistance ceased. So was another act of aggression brought to completion.

Almost exactly a month after the attack on Norway, on the 10th May 1940 the German Armed Forces, repeating what had been done 25 years before, streamed into Belgium, the Netherlands, and Luxembourg according to plan—the plan that is, of invading without warning and without declaration of War.

What was done was of course a breach of the Hague Convention of 1907, and is so charged. It was a violation of the Locarno Agreement and Arbitration Convention with Belgium of 1925 which the Nazi Government affirmed in 1935, only illegally to repudiate it two years later. By that agreement all questions incapable of settlement by ordinary diplomatic means were to be settled by arbitration. You will see the comprehensive terms of these agreements. It was a breach of the Treaty of Arbitration and Conciliation signed between Germany and the Netherlands on the 20th May 1926; it was a violation of the similar Treaty with Luxembourg on the 11th September 1929. It was a breach of the Briand-Kellogg Pact. But those Treaties had not perhaps derived in the minds of the Nazi Rulers of Germany any added sanctity from the fact that they had been solemnly concluded by the Governments of pre-Nazi Germany.

Let us consider the specific assurances and undertakings which the Nazi Rulers themselves gave to the States which lay in the way of their plans against France and England and which they always intended to attack. Not once, not twice, but eleven times the clearest assurances were given to Belgium, the Netherlands, and Luxembourg. On those assurances solemnly and formally expressed, those countries were entitled to rely. In respect of their breach these Defendants are charged. On the 30th January, 1937 Hitler said:

> "As for the rest, I have more than once expressed the desire and the hope of entering into similar good and cordial relations with our neighbours. Germany has, and here I repeat this solemnly, given the assurance time and time again, that, for instance, between her and France there cannot be any humanly conceivable points of controversy. The German Government has further given the assurance to Belgium and Holland that it is prepared to recognize and to guarantee the inviolability and neutrality of these territories."

After Hitler had remilitarized the Rhineland and had repudiated the Locarno Pact, England and France sought to reestablish the position of security for Belgium which Hitler's action had threatened. They, therefore, themselves gave to Belgium on the 24th April 1937, a specific guarantee that they would maintain in respect of Belgium, undertakings of assistance which they had entered into with her both under the Locarno Pact and the Covenant of the League of Nations. On the 13th October 1937 the German Government also made a declaration assuring Belgium of its intention to recognize the inviolability and integrity of that country.

It is, perhaps, convenient to deal with the remaining assurances as we review the evidence which is available as to the preparations and intentions of the German Government prior to their invasion of Belgium on the 10th May 1940.

As in the case of Poland, as in the case of Norway and Denmark, so also here the dates speak for themselves.

As early as August 1938 steps were being made to utilize the Low Countries as defense bases for decisive action in the West in the event of France and England opposing Germany in its aggression upon Czechslovakia.

In an air force letter dated 25th August 1938 which deals with the action to be taken if England and France should interfere in the operation against Czechoslovakia, it is stated:

> "It is not expected for the moment that other States will intervene against Germany. The Dutch and the Belgian area assumes in this connection much more importance for the prevention of the war in Western Europe than during the world war. This mainly is an advance base for the air war." (*375–PS*)

In the last paragraph of that order it is stated "Belgium and the Netherlands when in German hands represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France." (*375–PS*)

That was in August 1938. Eight months later (on the 28th April 1939) Hitler is declaring again, "I was pleased that a number of European states availed themselves of this declaration by the German Government to express and emphasize their desire to have absolute neutrality."

A month later, on the 23d May, 1939, Hitler held the conference in the Reich Chancellery, to which we have already referred. The Minutes of that meeting report Hitler as saying:

> "The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored. If England and France enter the war between Germany and Poland they will support Holland and Belgium in their neutrality.

> * * * Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing new defense lines on Dutch soil up to the Zuyder Zee". (*L–79*)

Even after that he was to give his solemn declarations that he would observe Belgian neutrality. On the 26th August 1939 when the crisis in regard to Danzig and Poland was reaching its climax, declarations assuring the Governments concerned of the intention to respect their neutrality were handed by the German Ambassadors to the King of the Belgians, the Queen of the Netherlands, and to the Government of the Grand Duchy of Luxembourg in the most solemn form. But to the Army—"If Holland and Belgium are successfully occupied and held"—it was said—"a successful war against England will be secured."

On the 1st September Poland was invaded, and two days later England and France came into the War against Germany in pursuance of the treaty obligation already referred to. On the 6th October Hitler renewed his assurances of friendship to Belgium and Holland. But on the 9th October, before any kind of accusation had been made by the German Government of breaches of neutrality by Belgium, the Netherlands, or Luxembourg, Hitler issued a directive for the conduct of the war.

In that directive he stated:

> "1. If it becomes evident in the near future that England and France acting under her leadership, are not disposed to end the war, I am determined to take firm and offensive action without letting much time elapse.
>
> "2. A long waiting period results not only in the ending of the advantage to the Western Powers, of Belgium and perhaps also of Dutch neutrality, but also strengthens the military power of our enemies to an increasing degree, causes confidence of the neutrals in German final victory to wane, and does not help to bring Italy to our aid as brothers-in-arms.
>
> "3. I therefore issue the following orders for the further conduct of military operations:
>
> "(*a*) Preparations should be made for offensive action on the Northern flank of the Western front crossing the area of Luxembourg, Belgium and Holland. This attack must be carried out as soon and as forcefully as possible.
>
> "(*b*) The object of this attack is to defeat as many strong sections of the French Fighting Army as possible, and her ally and partner in the fighting, and at the same time to acquire as great an area of Holland, Belgium and Northern

> France as possible, to use as a base offering good prospects for waging aerial and sea warfare against England and to provide ample coverage for the vital district of the Ruhr."

Nothing could state more clearly or more definitely the object behind the invasion of these countries than that document.

On the 15th October 1939 Keitel wrote a most secret letter concerning *Fall Gelb*, which was the code name for the operation against the Low Countries. In it he stated:

> "The protection of the Ruhr area by moving A/C reporting service and the air defense as far forward as possible in the area of Holland is significant for the whole conduct of the war. The more Dutch territory we occupy the more effective can the defense of the Ruhr area be made. This point of view must determine the choice of objectives of the army even if the army and navy are not directly interested in such territorial gain. It must be the object of the army's preparations, therefore, to occupy on receipt of a special order the territory of Holland in the first instance in the area of the Grebbe-Marse line. It will depend on the military and political attitude of the Dutch as well as on the effectiveness of their flooding, whether objects can and must be further extended." (*C–62*)

The operation had apparently been planned to take place at the beginning of November. We have in our possession a series of 17 letters dated from 7th November until the 9th May postponing almost from day to day the D-day of the operation, so that by the beginning of November all the major plans and preparations had been made. (*C–72*)

On the 10th January 1940 a German aeroplane force landed in Belgium. In it was found the remains of a half-burnt operation order setting out considerable details of the Belgian landing grounds that were to be captured (*TC–58*). Many other documents have been found which illustrate the planning and preparation for this invasion in the latter half of 1939 and early 1940, but they carry the matter no further, and they show no more clearly than the evidence to which I have already referred, the plans and intention of the German Governments and its armed forces.

On the 10th May 1940 at about 0500 hours in the morning the German invasion of Belgium, Holland, and Luxembourg began.

Once more the forces of aggression marched on. Treaties, assurances, the rights of Sovereign States meant nothing. Brutal force, covered by as great an element of surprise as the Nazis could secure, was to seize that which was deemed necessary for striking the mortal blow against England, the main Enemy. The only fault of these unhappy countries was that they stood in the path of the German invader. But that was enough.

On the 6th April 1941 German armed forces invaded Greece and Yugoslavia. Again the blow was struck without warning and with the cowardice and deceit which the World now fully expected from the self-styled "*Herrenvolk*". It was a breach of the Hague Convention of 1899. It was a breach of the Pact of Paris of 1928. It was a breach of a specific assurance given by Hitler on the 6th October 1939.

"Immediately after the completion of the Anschluss", he said, "I informed Yugoslavia that, from now on, the frontier with this country will also be an unalterable one and that we only desire to live in Peace and Friendship with her". (*TC–43*)

But the plan for aggression against Yugoslavia had, of course, been in hand well before that. In the aggressive action eastward towards the Ukraine and the Soviet territories security of the Southern flank and the lines of communication had already been considered.

The history of events leading up to the invasion of Yugoslavia by Germany is well known. At 3 o'clock on the morning of the 28th October 1940 a 3-hour ultimatum had been presented by the Italian Government to the Greek Government and the presentation of this ultimatum was followed by the aerial bombardment of Greek provincial towns and the advance of Italian troops into Greek territory. The Greeks, not prepared for such an assault, were at first forced to withdraw. Later the Italian advance was first checked, then driven towards the Albanian frontier, and by the end of 1940 the Italian Army had suffered severe reverses at Greek hands.

Of German intentions there is the evidence of what occurred when, on 12th August 1939, Hitler held his meeting with Ciano.

You will remember Hitler said:

> "Generally speaking, the best thing to happen would be for the neutrals to be liquidated one after the other. This process could be carried out more easily if on every occasion one partner of the Axis covered the other while it was dealing with an uncertain neutral. Italy might well regard Yugoslavia as a neutral of this kind." (*TC–77*)

Later again on the second day of the conversation, 13th August, he said:

> "In general, however, from success by one of the Axis partners not only strategical but also psychological strengthening of the other partner and also of the whole Axis would ensue.

> Italy carried through a number of successful operations in Abyssinia, Spain and Albania and each time against the wishes of the Democratic Entente. These individual actions have not only strengthened Italian local interests but have also reinforced her general position. The same was the case with German action in Austria and Czechoslovakia. * * * The strengthening of the Axis by these individual operations was of the greatest importance for the unavoidable clash with the Western Powers."

Once again we see the same procedure being followed. That meeting had taken place on the 12/13th August, 1939. Less than two months later, on 6 October 1939 Hitler was giving his assurance to Yugoslavia that Germany only desired to live in peace and friendship with the Yugoslav State, the liquidation of which by his Axis partner he had himself suggested.

On the 28th October 1940 the Italians presented a 3 hour ultimatum to Greece and commenced war against her. Eventually the advance was checked, then driven back, and the Italians suffered considerable reverses at Greek hands.

We have an undated letter from Hitler to Mussolini which must have been written about the time of the Italian aggression against Greece. (*2762-PS*)

> "Permit me at the beginning of this letter to assure you that within the last 14 days my heart and my thoughts have been more than ever with you. Moreover, Duce, be assured of my determination to do everything on your behalf which might ease the present situation for you. * * * When I asked you to receive me in Florence, I undertook the trip in the hope of being able to express my views prior to the beginning of the threatening conflict with Greece, about which I had only received general information. First, I wanted to request you to postpone the action, if possible until a more favorable time of year, at all events, however, until after the American presidential election. But in any case, however, I wanted to request you, Duce, not to undertake this action without a previous lightning-like occupation of Crete and, for this purpose, I also wanted to submit to you some practical suggestions in regard to the employment of a German parachute division and a further airborne division. * * * Yugoslavia must become disinterested, if possible, however from our point of view interested in cooperating in the liquidation of the Greek question. Without assurances from Yugoslavia, it is useless to risk any successful operation in the Balkans. * * * Unfortunately I must stress the fact that waging

> war in the Balkans before March is impossible. Hence it would also serve to make any threatening influence upon Yugoslavia of no purpose, since the Serbian General Staff is well aware of the fact that no practical action could follow such a threat before March. Here Yugoslavia must, if at all possible, be won over by other means and other ways."

On the 12th November in his Top Secret Order No. 18 Hitler ordered the OKH to make preparations to occupy Greece and Bulgaria if necessary. Approximately 10 divisions were to be used in order to prevent Turkish intervention. To shorten the time the German divisions in Rumania were to be increased.

On the 13th December 1940 Hitler issued an order to OKW, OKL, OKH, OKM and General Staff on the operation Marita, which was the invasion of Greece. In that order it is stated that the invasion of Greece is planned and is to commence as soon as the weather becomes advantageous. Further orders were issued on the 13th December and 11th January. (*448–PS; 1541–PS*)

On the 28th January Hitler saw Mussolini. Jodl, Keitel, and Ribbentrop were present at the meeting and it is from Jodl's notes of what took place that we know that Hitler stated that one of the purposes of German troop concentrations in Rumania was for use in his plan for the operation against Greece.

On the 1st March 1941 German troops entered Bulgaria and moved towards the Greek frontier. In the face of this threat of an attack on Greece by German as well as Italian forces British forces were landed in Greece on the 3d March in accordance with the declaration which had been given by the British Government on the 13th April 1939 that Great Britain would feel bound to give Greece and Rumania respectively all the support in her power in the event of either country becoming the victim of aggression and resisting such aggression. Already the Italian aggression had made this pledge operative.

On the 25th March 1941 Yugoslavia joined the 3-Power Pact which had already been signed by Germany, Italy, and Japan. The preamble of the Pact stated that the 3 Powers would stand side by side and work together.

On the same day Ribbentrop wrote two notes to the Yugoslav Prime Minister assuring him of Germany's full intention to respect the sovereignty and independence of his country. That declaration was yet another example of the treachery employed by German diplomacy. We have seen already the preparations that had been made. We have seen Hitler's efforts to tempt the Italians into an aggression against Yugoslavia. We have seen in January his orders for his own preparation to invade Yugoslavia and Greece and now on the 25th March he is signing a pact with that country and his Foreign Minister is writing assurances of respect for her sovereignty and territorial integrity.

As a result of the signing of that Pact the anti-Nazi element in Yugoslavia immediately accomplished a coup d'etat and established a new Government. Thereupon the decision was taken to invade immediately and on the 27th March, two days after the 3-Power Pact had been signed by Yugoslavia, Hitler issued instructions that Yugoslavia was to be invaded and used as a base for the continuance of the combined German and Italian offensive against Greece. *(C–127)*

Following this, further deployment and other instructions for the action Marita were issued by Von Brauchitsch on the 30th March 1941. (*R–95*)

It is stated that "the orders issued with regard to the operation against Greece remain valid so far as not affected by this order. On the 5th April, weather permitting, the Air Forces are to attack troops in Yugoslavia, while simultaneously the attack of the 12th Army begins against both Yugoslavia and Greece" (*R–95*). As we now know, the invasion actually commenced in the early hours of the 6th April.

Treaties, Pacts, Assurances — obligations of any kind — are brushed aside and ignored wherever the aggressive interests of Germany are concerned.

I turn now to the last act of aggression in Europe with which these Nazi conspirators are charged—the attack upon Russia. In August 1939 Germany although undoubtedly intending to attack Russia at some convenient opportunity, sufficiently deceived the Russian Government to secure a pact of non-aggression between them. It followed, therefore, that when Belgium and the Low Countries were occupied and France collapsed in June 1940, England–although with the inestimably valuable moral and economic support of the United States of America–was left alone as the sole representative of Democracy in the face of the forces of aggression. Only the British Empire stood between Germany and the achievement of her aim to dominate the Western world. Only the British Empire—only England as its citadel. But it was enough. The first, and possibly the decisive, military defeat which the enemy sustained was in the campaign against England, and that defeat had a profound influence on the future course of the war. On the 16th July 1940 Hitler issued to Keitel and Jodl a Directive for the invasion of England. It started off by stating—and Englishmen will be forever proud of it—that

> "Since England, despite her militarily hopeless situation, shows no signs of willingness to come to terms, I have decided to prepare a landing operation against England and if

> necessary to carry it out. The aim is * * * to eliminate the English homeland as a base for the carrying on of the war against Germany. The preparations for the entire operation must be completed by mid-August." (*442–PS*)

But the first essential condition for that plan was "that the English Air Force must morally and actually be so far overcome that it does not any longer show any considerable aggressive force against the German attack." (*442–PS*)

The German Air Force made the most strenuous efforts to realize that condition, but, in one of the most splendid pages of our history, it was decisively defeated. And although the bombardment of England's towns and villages was continued throughout that dark winter of 1940-41 the enemy decided in the end that England was not to be subjugated by these means, and accordingly Germany turned back to the East, the first major aim achieved.

On the 22d June 1941, German Armed Forces invaded Russia—without warning, without declaration of war. It was a breach of the Hague Conventions; it was a violation of the Pact of Paris of 1928: it was in flagrant contradiction of the Treaty of nonaggression which Germany and Russia had signed on the 23d August 1939.

But that Treaty, perhaps more blatantly than any other, was made without any intention of being observed and only for the purpose of assisting the German Government to carry out their aggressive plans against the Western democracies before eventually turning east in their own good time.

Hitler himself in referring to the Agreement said agreements were only to be kept as long as they served a purpose. Ribbentrop was more explicit. In an interview with the Japanese Ambassador in Berlin on 23d February 1941 he made it clear that the object of the Agreement had merely been to avoid a two front war. (*1834–PS*)

In contrast to what Hitler and Ribbentrop were planning within the councils of Germany, we know what they were saying to the rest of the world.

On the 19th July Hitler spoke in the Reichstag:

> "In these circumstances I consider it proper to negotiate as a first priority a sober definition of interests with Russia. It would be made clear once and for all what Germany believes she must regard as her sphere of interest to safeguard her future and, on the other hand, what Russia considers important for her existence.
>
> "From the clear delineation of the sphere of interest on either

> side, there followed the new regulation of Russo-German relations. Any hope that now at the end of the term of the agreement a new Russo-German tension could arise is childish. Germany has taken no step which would lead her outside her sphere of interest, nor has Russia. But England's hope, to achieve an amelioration of her own position through the engineering of some new European crisis, is, in so far as it is concerned with Russo-German relations, an illusion.
>
> "British statesmen perceive everything somewhat slowly, but they too will learn to understand this in course of time."

Yet it was not many months after that that the arrangements for attacking Russia were put in hand. Raeder gives us the probable reasons for this sudden decision in a note to Admiral Assmann.

> "The fear that control of the air over the Channel in the Autumn of 1940 could no longer be attained, a realization which the Fuehrer no doubt gained earlier than the Naval War Staff, who were not so fully informed of the true results of air raids on England (our own losses), surely caused the Fuehrer, as far back as August and September, to consider whether, even prior to victory in the West, an Eastern campaign would be feasible with the object of first eliminating our last serious opponent on the continent. The Fuehrer did not openly express this fear, however, until well into September."

He may not have told the Navy of his intentions until later in September, but by the beginning of that month he had undoubtedly spoken of them to Jodl.

Dated 6th September 1940 we have a directive of the OKW signed by Jodl: "Directions are given for the occupation forces in the east to be increased in the following weeks. For security reasons this should not create the impression in Russia that Germany is preparing for an Eastern offensive." Directives are given to the German Intelligence Service pertaining to the answering of questions by the Russian Intelligence Service. "The total strength of the German troops in the East to be camouflaged by frequent changes in this area. The impression is to be created that the bulk of the troops in the south have moved whilst the occupation in the north is only very small." (*1229–PS*)

Thus we see the beginning of the operations.

On the 12th November 1940 Hitler issued a directive signed by Jodl in which he stated that the political task to determine the attitude of Russia had begun, but without reference to the result of preparations against the East, which had been ordered orally before it could be carried out.

On the same day Molotov visited Berlin. At the conclusion of conversations between himself and the German Government a communique was issued in the following terms:

> "The exchange of ideas took place in an atmosphere of mutual trust and led to a mutual understanding on all important questions interesting Germany and the Soviet Union."

It is not to be supposed that the USSR would have taken part in those conversations or agreed to that communique if it had been realized that on the very day orders were being given for preparations to be made for the invasion of Russia and that the order for the operation "Barbarossa" was in preparation. Four days later that order was issued—"The German armed forces have to be ready to defeat Soviet Russia in a swift campaign before the end of the War against Great Britain" (*446-PS*). And later in the same instruction,

> "All orders which shall be issued by the High Commanders in accordance with this instruction have to be clothed in such terms that they may be taken as measures of precaution in case Russia should change her present attitude towards ourselves." (*446-PS*)

Keeping up the pretense of friendliness, on the 10th January, 1941—after the Plan Barbarossa for the invasion of Russia had been decided upon—the German-Russo frontier treaty was signed. On the 3d February 1941 Hitler held a conference, attended by Keitel and Jodl, at which it was provided that the whole operation was to be camouflaged as if it was part of the preparations for the "Seelowe" as the plan for invasion of England was called. By March 1941 the plans were sufficiently advanced to include provision for dividing the Russian territory into 9 separate States to be administered under Reich Commissars under the general control of Rosenberg. At the same time detailed plans for the economic exploitation of the country were made under the supervision of Goering, to whom the responsibility was delegated by Hitler. You will hear something of the details of these plans. It is significant that on the 2d May 1941 a conference of the State Secretaries on the Plan Barbarossa noted:

> "1. The war can only be continued if all armed forces are fed out of Russia in the third year of the war.
>
> "2. There is no doubt that as a result many millions of people will be starved to death if we take out of the country the things necessary for us."

But this apparently created no concern. The plan Oldenberg, as the scheme for economic organization was called, went on. By the 1st May the D date of the operation was fixed. By the 1st June preparations were virtually complete and an elaborate time table was issued. It was estimated that although there would be heavy frontier battles, lasting perhaps 4 weeks, after that no serious opposition was to be expected.

On the 22d June at 3.30 in the morning the German Armies marched again. As Hitler said in his Proclamation:

> "I have decided to give the fate of the German People and of the Reich and of Europe again into the hands of our soldiers."

The usual false pretexts were of course given. Ribbentrop stated on the 28th June that the step was taken because of the threatening of the German frontiers by the Red Army. It was untrue and Ribbentrop knew it was untrue. On the 7th June his Ambassador in Moscow was reporting to him that "All observations show that Stalin and Molotov who are alone responsible for Russian foreign policy are doing everything to avoid a conflict with Germany". The staff records which you will see make it clear that the Russians were making no military preparations and that they were continuing their deliveries under the Trade Agreement to the very last day. The truth was, of course, that the elimination of Russia as a political opponent and the incorporation of the Russian territory in the German *Lebensraum* had long been one of the cardinal features of Nazi policy, subordinated latterly for what Jodl called diplomatic reasons.

And so, on the 22d June, the Nazi armies were flung against the Power with which Hitler had so recently sworn friendship and Germany embarked on that last act of aggression which, after long and bitter fighting, was eventually to result in Germany's own collapse.

PART III

This then is the case against these Defendants, as amongst the rulers of Germany, under Count 2 of this Indictment. It may be said that many of the documents which have been referred to were in Hitler's name, that the orders were Hitler's orders, that these men were mere instruments of Hitler's will. But they were the instruments without which Hitler's will could not be carried out. And they were more than that. These men were no mere willing tools, although they would be guilty enough if that had been their role. They are the men whose support had built Hitler up into the position of power he occupied: they are the men whose initiative and planning perhaps conceived and certainly made possible the acts of aggression made in Hitler's name, and they are the men who enabled Hitler to build up the Army, Navy and Air Force by which these treacherous attacks were carried out, and to lead his fanatical followers into peaceful countries to murder, to loot and to destroy. They are the men whose cooperation and support made the Nazi Government of Germany possible. The Government of a totalitarian country may be carried on without the assistance of representatives of the people. But it cannot be carried on without any assistance at all. It is no use having a leader unless there are also people willing and ready to serve their personal greed and ambition by helping and following him. The dictator who is set up in control of the destinies of his country does not depend upon himself alone either in acquiring power or in maintaining it. He depends upon the support and backing which lesser men, themselves lusting to share in dictatorial power, anxious to bask in the adulation of their leader, are prepared to give. In the Criminal Courts, where men are put upon their trial for breaches of the municipal laws, it not infrequently happens that of a gang indicted together in the Dock, one has the master mind, the leading personality. But it is no excuse for the common thief to say "I stole because I was told to steal"; for the murderer to plead "I killed because I was asked to kill". These men are in no different position for all that it was nations they sought to rob, whole peoples they tried to kill. "The warrant of no man excuseth the doing of an illegal act." Political loyalty, military obedience are excellent things. But they neither require nor do they justify the commission of patently wicked acts. There comes a point where a man must refuse to answer to his leader if he is also to answer to his conscience. Even the common soldier, serving in the ranks of his Army is not called upon to obey illegal orders. But these men were no common soldiers: they were the men whose skill and cunning, whose labour and activity made it possible for the German Reich to tear up existing treaties, to enter into new ones and to flout them, to reduce international negotiations and diplomacy to a hollow mockery, to destroy all respect for and effect in International Law and finally to march against the peoples of the world to secure that domination in which as arrogant members of their self-styled master race they professed their belief. If the crimes were in one sense the crimes of Nazi Germany, they also are guilty as the individuals who aided, abetted, counselled, procured and made possible the commission of what was done.

The sum total of the crime these men have committed—so awful in its comprehension—has many aspects. Their lust and sadism, their deliberate slaughter and the degradation of so many millions of their fellow creatures that the imagination reels incomprehensively, are but one side only of this matter. Now that an end has been put to this nightmare and we come to consider how the future is to be lived, perhaps their guilt as murderers and robbers is of less importance and of less effect to future generations of mankind than their crime of fraud—the fraud by which they placed themselves in a position to do their murder and their robbery. This is the other aspect of their guilt. The story of their "diplomacy", founded upon cunning, hypocrisy and bad faith, is a story less gruesome but no less evil and deliberate. And should it be taken as a precedent of behaviour in the conduct of international relations, its consequences to mankind will no less certainly lead to the end of civilized society. Without trust and confidence between Nations, without the faith that what is said is meant and what is undertaken will be observed, all hope of peace and of security is dead. The Governments of the United Kingdom and the British Commonwealth, of the USA, of the USSR, and of France, backed by and on behalf of every other peace-loving Nation of the world, have therefore joined to bring the inventors and perpetrators of this Nazi conception of international relationship before the bar of this Tribunal.

They do so that these Defendants may be punished for their crimes. They do so also that their conduct may be exposed in its naked wickedness. And they do so in the hope that the conscience and good sense of all the world will see the consequences of such conduct and the end to which inevitably it must always lead. Let us once again restore sanity and with it also the sanctity of our obligations towards each other.

6. AGGRESSION AS A BASIC NAZI IDEA: MEIN KAMPF

Hitler's *Mein Kampf*, which became the Nazi statement of faith, gave to the conspirators adequate foreknowledge of the unlawful aims of the Nazi leadership. It was not only Hitler's political testament; by adoption it became theirs.

Mein Kampf may be described as the blueprint of the Nazi aggression. Its whole tenor and content demonstrate that the Nazi pursuit of aggressive designs was no mere accident arising out of an immediate political situation in Europe and the world. *Mein Kampf* establishes unequivocally that the use of aggressive war to serve German aims in foreign policy was part of the very creed of the Nazi party.

CHAPTER IX

A great German philosopher once said that ideas have hands and feet. It became the deliberate aim of the conspirators to see to it that the idea, doctrines, and policies of *Mein Kampf* should become the active faith and guide for action of the German nation, and particularly of its malleable youth. From 1933 to 1939 an extensive indoctrination in the ideas of *Mein Kampf* was pursued in the schools and universities of Germany, as well as in the Hitler Youth, under the direction of Baldur von Schirach, and in the SA and SS, and amongst the German population as a whole, by the agency of Rosenberg.

A copy of *Mein Kampf* was officially presented by the Nazis to all newly married couples in Germany. [A copy of *Mein Kampf* (*D–660*) submitted by the prosecution to the tribunal contains the following dedication on the fly-leaf:

> "To the newly married couple, Friedrich Rosebrock and Else Geborene Zum Beck, with best wishes for a happy and blessed marriage. Presented by the Communal Administration on the occasion of their marriage on the 14th of November, 1940. For the Mayor, the Registrar."

This copy of *Mein Kampf*, which was the 1945 edition, contains the information that the number of copies published to date amount to 6,250,000.]

As a result of the efforts of the conspirators, this book, blasphemously called "The Bible of the German people," poisoned a generation and distorted the outlook of a whole people. For as the SS General von dem Bach-Zelewski testified before the Tribunal, [on 7 January 1946] if it is preached for years, as long as ten years, that the Slav peoples are inferior races and that the Jews are subhuman, then it must logically follow that the killing of millions of these human beings is accepted as a natural phenomenon. From *Mein Kampf* the way leads directly to the furnaces of Auschwitz and the gas chambers of Maidanek.

What the commandments of *Mein Kampf* were may be indicated by quotations from the book which fall into two main categories. The first category is that of general expression of Hitler's belief in the necessity of force as the means of solving international problems. The second category is that of Hitler's more explicit declarations on the policy which Germany should pursue.

Most of the quotations in the second category come from the last three chapters—13, 14, and 15—of Part II of *Mein Kampf*, in which Hitler's views on foreign policy were expounded. The significance of this may be grasped from the fact that Part II of *Mein Kampf* was first published in 1927, less than two years after the Locarno Pact and within a few months of Germany's entry into the League of Nations. The date of the publication of these passages, therefore, brands them as a repudiation of the policy of international cooperation embarked upon by Stresseman, and as a deliberate defiance of the attempt to establish, through the League of Nations, the rule of law in international affairs.

The following are quotations showing the general view held by Hitler and accepted and propagated by the conspirators concerning war and aggression generally. On page 556 of *Mein Kampf,* Hitler wrote:

> "The soil on which we now live was not a gift bestowed by Heaven on our forefathers. But they had to conquer it by risking their lives. So also in the future our people will not obtain territory, and therewith the means of existence, as a favour from any other people, but will have to win it by the power of a triumphant sword."

On page 145, Hitler revealed his own personal attitude toward war. Of the years of peace before 1914 he wrote:

> "Thus I used to think it an ill-deserved stroke of bad luck that I had arrived too late on this terrestrial globe, and I felt chagrined at the idea that my life would have to run its course along peaceful and orderly lines. As a boy I was anything but a pacifist and all attempts to make me so turned out futile."

On page 162 Hitler wrote of war in these words:

> "In regard to the part played by humane feeling, Moltke stated that in time of war the essential thing is to get a decision as quickly as possible and that the most ruthless methods of fighting are at the same time the most humane. When people attempt to answer this reasoning by highfalutin talk about aesthetics, etc., only one answer can be given. It is that the vital questions involved in the struggle of a nation for its existence must not be subordinated to any aesthetic considerations."

Hitler's assumption of an inevitable law of struggle for survival is linked up in Chapter II of Book I of *Mein Kampf,* with the doctrine of Aryan superiority over other races and the right of Germans in virtue of this superiority to dominate and use other peoples for their own ends. The whole of Chapter II of *Mein Kampf* is dedicated to this "master race" theory and, indeed, many of the later speeches of Hitler were mainly repetitive of Chapter II.

On page 256, the following sentiments appear:

> "Had it not been possible for them to employ members of the inferior race which they conquered, the Aryans would

> never have been in a position to take the first steps on the road which led them to a later type of culture; just as, without the help of certain suitable animals which they were able to tame, they would never have come to the invention of mechanical power, which has subsequently enabled them to do without these beasts. For the establishment of superior types of civilization the members of inferior races formed one of the most essential prerequisites."

In a later passage in *Mein Kampf*, at page 344, Hitler applies these general ideas to Germany:

> "If in its historical development the German people had possessed the unity of herd instinct by which other people have so much benefited, then the German Reich would probably be mistress of the globe to-day. World history would have taken another course, and in this case no man can tell if what many blinded pacifists hope to attain by petitioning, whining and crying may not have been reached in this way; namely, a peace which would not be based upon the waving of olive branches and tearful misery-mongering of pacifist old women, but a peace that would be guaranteed by the triumphant sword of a people endowed with the power to master the world and administer it in the service of a higher civilization."

These passages emphasize clearly Hitler's love of war and scorn of those whom he described as pacifists. The underlying message of this book, which appears again and again, is, firstly, that the struggle for existence requires the organization and use of force; secondly, that the Aryan-German is superior to other races and has the right to conquer and rule them; thirdly, that all doctrines which preach peaceable solutions of international problems represent a disastrous weakness in a nation that adopts them. Implicit in the whole of the argument is a fundamental and arrogant denial of the possibility of any rule of law in international affairs.

It is in the light of these general doctrines of *Mein Kampf* that the more definite passages should be considered, in which Hitler deals with specific problems of German foreign policy. The very first page of the book contains a remarkable forecast of Nazi policy:

> "German-Austria must be restored to the great German Motherland. And not, indeed on any grounds of economic calculation whatsoever. No, no. Even if the union were a matter of economic indifference, and even if it were to be disadvantageous from the economic standpoint, still it ought

> to take place. People of the same blood should be in the same Reich. The German people will have no right to engage in a colonial policy until they shall have brought all their children together in one State. When the territory of the Reich embraces all the Germans and finds itself unable to assure them a livelihood, only then can the moral right arise, from the need of the people, to acquire foreign territory. The plough is then the sword; and the tears of war will produce the daily bread for the generations to come."

Hitler, at page 553, declares that the mere restoration of Germany's frontiers as they were in 1914 would be wholly insufficient for his purposes:

> "In regard to this point I should like to make the following statement: To demand that the 1914 frontiers should be restored is a glaring political absurdity that is fraught with such consequences as to make the claim itself appear criminal. The confines of the Reich as they existed in 1914 were thoroughly illogical; because they were not really complete, in the sense of including all the members of the German nation. Nor were they reasonable, in view of the geographical exigencies of military defense. They were not the consequence of a political plan which had been well considered and carried out, but they were temporary frontiers established in virtue of a political struggle that had not been brought to a finish; and indeed, they were partly the chance result of circumstances."

In further elaboration of Nazi policy, Hitler does not merely denounce the Treaty of Versailles; he desires to see a Germany which is a world power with territory sufficient for a future German people of a magnitude which he does not define. On page 554 he declares:

> "For the future of the German nation the 1914 frontiers are of no significance * * *"

* * * * * * *

> "We National Socialists must stick firmly to the aim that we have set for our foreign policy, namely, that the German people must be assured the territorial area which is necessary for it to exist on this earth. And only for such action as is undertaken to secure those ends can it be lawful in the eyes of God and our German posterity to allow the blood of our people to be shed once again. Before God, because we are sent into this world with the commission to struggle for our daily bread, as creatures to whom nothing is donated and who must be able to win and hold their position as lord

> of the earth only through their own intelligence and courage. "And this justification must be established also before our German posterity, on the grounds that for each one who has shed his blood the life of a thousand others will be guaranteed to posterity. The territory on which one day our German peasants will be able to bring forth and nourish their sturdy sons will justify the blood of the sons of the peasants that has to be shed today. And the statesmen who will have decreed this sacrifice may be persecuted by their contemporaries, but posterity will absolve them from all guilt for having demanded this offering from their people."

At page 557 Hitler writes:

> "Germany will either become a world power or will not continue to exist at all. But in order to become a world power, it needs that territorial magnitude which gives it the necessary importance today and assures the existence of its citizens."

* * * * * * *

> "We must take our stand on the principles already mentioned in regard to foreign policy, namely, the necessity of bringing our territorial area into just proportion with the number of our population. From the past we can learn only one lesson, and that is that the aim which is to be pursued in our political conduct must be twofold, namely: (1) the acquisition of territory as the objective of our foreign policy and (2) the establishment of a new and uniform foundation as the objective of our political activities at home, in accordance with our doctrine of nationhood."

Now, these passages from *Mein Kampf* raise the question, where did Hitler expect to find the increased territory beyond the 1914 boundaries of Germany? To this Hitler's answer is sufficiently explicit. Reviewing the history of the German Empire from 1871 to 1918, he wrote, on page 132:

> "Therefore, the only possibility which Germany had of carrying a sound territorial policy into effect was that of acquiring new territory in Europe itself. Colonies cannot serve this purpose so long as they are not suited for settlement by Europeans on a large scale. In the nineteenth century it was no longer possible to acquire such colonies by peaceful means. Therefore, any attempt at such colonial expansion would have meant an enormous military struggle. Consequently it would have been more practical to undertake that military struggle for new territory in Europe, rather than to wage war for the acquisition of possessions abroad.

> "Such a decision naturally demanded that the nation's undivided energies should be devoted to it. A policy of that kind, which requires for its fulfillment every ounce of available energy on the part of everybody concerned, cannot be carried into effect by half measures or in a hesitant manner. The political leadership of the German Empire should then have been directed exclusively to this goal. No political step should have been taken in response to other considerations than this task and the means of accomplishing it. Germany should have been alive to the fact that such a goal could have been reached only by war, and the prospect of war should have been faced with calm and collected determination. The whole system of alliances should have been envisaged and valued from that standpoint.
>
> "If new territory were to be acquired in Europe it must have been mainly at Russia's cost, and once again the new German Empire should have set out on its march along the same road as was formerly trodden by the Teutonic Knights, this time to acquire soil for the German plough by means of the German sword and thus provide the nation with its daily bread."

To this program of expansion in the East Hitler returns again, at the end of *Mein Kampf*. After discussing the insufficiency of Germany's pre-war frontiers, he again points the path to the East and declares that the *Drang nach Osten*, the drive to the East, must be resumed:

> "Therefore we National Socialists have purposely drawn a line through the line of conduct followed by pre-war Germany in foreign policy. We put an end to the perpetual Germanic march towards the South and West of Europe and turn our eyes towards the lands of the East. We finally put a stop to the colonial and trade policy of pre-war times and pass over to the territorial policy of the future. But when we speak of new territory in Europe today we must principally think of Russia and the border states subject to her."

Hitler was shrewd enough to see that his aggressive designs in the East might be endangered by a defensive alliance between Russia, France, and perhaps England. His foreign policy, as outlined in *Mein Kampf*, was to detach England and Italy from France and Russia and to change the attitude of Germany towards France from the defensive to the offensive.

On page 570 of *Mein Kampf* he wrote:

> "As long as the eternal conflict between France and Germany is waged only in the form of a German defense against the French attack, that conflict can never be decided, and from

> century to century Germany will lose one position after another. If we study the changes that have taken place, from the twelfth century up to our day, in the frontiers within which the German language is spoken, we can hardly hope for a successful issue to result from the acceptance and development of a line of conduct which has hitherto been so detrimental for us.
>
> "Only when the Germans have taken all this fully into account will they cease from allowing the national will-to-live to wear itself out in merely passive defense; but they will rally together for a last decisive contest with France. And in this contest the essential objective of the German nation will be fought for. Only then will it be possible to put an end to the eternal Franco-German conflict which has hitherto proved so sterile.
>
> "Of course it is here presumed that Germany sees in the suppression of France nothing more than a means which will make it possible for our people finally to expand in another quarter. Today there are eighty million Germans in Europe. And our foreign policy will be recognized as rightly conducted only when, after barely a hundred years, there will be 250 million Germans living on this Continent, not packed together as the coolies in the factories of another Continent but as tillers of the soil and workers whose labour will be a mutual assurance for their existence."

Mein Kampf, taken in conjunction with the facts of Nazi Germany's subsequent behavior towards other countries, shows that from the very first moment that they attained power, and indeed long before that time, Hitler and his confederates were engaged in planning and fomenting aggressive war.

Events have proved that *Mein Kampf* was no mere literary exercise to be treated with easy indifference, as unfortunately it was treated for so long. It was the expression of a fanatical faith in force and fraud as the means to Nazi dominance in Europe, if not in the whole world. In accepting and propagating the jungle philosophy of *Mein Kampf,* the Nazi conspirators deliberately set about to push civilization over the precipice of war.

7. TREATY VIOLATIONS

It might be thought, from the melancholy story of broken treaties and violated assurances, that Hitler and the Nazi Government did not even profess that it is necessary or desirable to keep the pledged word. Outwardly, however, the professions were very different. With regard to treaties, on the 18 October

1933, Hitler said, "Whatever we have signed we will fulfill to the the best of our ability."

The reservation is significant—"Whatever we have signed."

But, on 21 May 1935, Hitler said, "The German Government will scrupulously maintain every treaty voluntarily signed, even though it was concluded before their accession to power and office."

On assurances Hitler was even more emphatic. In the same speech, the Reichstag Speech of 21 May 1935, Hitler accepted assurances as being of equal obligation, and the world at that time could not know that that meant of no obligation at all. What he actually said was,

> "And when I now hear from the lips of a British statesman that such assurances are nothing and that the only proof of sincerity is the signature appended to collective pacts, I must ask Mr. Eden to be good enough to remember that it is a question of assurance in any case. It is sometimes much easier to sign treaties with the mental reservations that one will consider one's attitude at the decisive hour than to declare before an entire nation and with full opportunity one's adherence to a policy which serves the course of peace because it rejects anything which leads to war."

And then he proceeded with the illustration of his assurance to France.

In this connection the position of a treaty in German law should not be forgotten. The appearance of a treaty in the *Reichsgesetzblatt* makes it part of the statute law of Germany, so that a breach thereof is also a violation of German domestic law.

(This section deals with fifteen only of the treaties which Hitler and the Nazis broke. The remainder of the 69 treaties which the German Reich violated between 1933 and 1941 are dealt with in other sections of this chapter.)

A. *Convention for the Pacific Settlement of International Disputes, signed at the Hague on the 29th of July, 1899.*

The Hague Conventions are of course only the first gropings towards the rejection of the inevitability of war. They do not render the making of aggressive war a crime, but their milder terms were as readily broken as more severe agreements.

On 29 July, 1899, Germany, Greece, Serbia, and 25 other nations signed a convention (*TC–1*). Germany ratified the convention on 4 September 1900, Serbia on the 11 May 1901, Greece on the 4 April 1901.

By Article 12 of the treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at the St. Germaine-en-Laye on 10 September 1919, the new Kingdom succeeded to all the old Serbian treaties, and later changed its name to Yugoslavia.

The first two articles of this Hague Convention read:

> "Article 1: With a view to obviating as far as possible recourse to force in the relations between states, the signatory powers agree to use their best efforts to insure the pacific settlement of International differences.
>
> "Article 2: In case of serious disagreement or conflict, before an appeal to arms the signatory powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers." (*TC–1*)

B. *Convention for the Pacific Settlement of International Disputes, signed at the Hague on 18 October 1907.*

This Convention (*TC–2*) was signed at the Hague by 44 nations, and it is in effect as to 31 nations, 28 signatories, and three adherents. For present purposes it is in force as to the United States, Belgium, Czechoslovakia, Denmark, France, Germany, Luxembourg, Japan, Netherlands, Norway, Poland, and Russia.

By the provisions of Article 91 it replaces the 1899 Convention as between the contracting powers. As Greece and Yugoslavia are parties to the 1899 convention and not to the 1907, the 1899 Convention is in effect with regard to them, and that explains the division of countries in Appendix C.

The first article of this treaty reads:

> "1: With a view to obviating as far as possible recourse to force in the relations between States, the contracting powers agree to use their best efforts to insure the pacific settlement of international differences." (*TC–2*)

C. *Convention Relative to the Opening of Hostilities, signed at the Hague on 18 October 1907.*

This Convention (*TC–3*) applies to Germany, Poland, Norway, Denmark, Belgium, the Netherlands, Luxembourg, and Russia. It relates to a procedural step in notifying one's prospective opponent before opening hostilities against him. It appears to have had its immediate origin in the Russo-Japanese war of 1904, when Japan attacked Russia without any previous warning. It will be noted that it does not fix any particular lapse of time between the giving of notice and the commencement of hostilities, but it does seek to maintain an absolutely minimum standard of International decency before the outbreak of war.

The first article of this treaty reads:

> "The contracting powers recognize that hostilities between them must not commence without a previous and explicit warning in the form of either a declaration of war, giving reasons, or an ultimatum with a conditional declaration of war." (*TC–3*)

D. *Convention 5, Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, signed at the Hague on 18 October 1907.*

Germany was an original signatory to this Convention (*TC–4*), and the treaty is in force as a result of ratification or adherence between Germany and Norway, Denmark, Belgium, Luxembourg, The Netherlands, the USSR, and the United States.

Article 1 reads:

> "The territory of neutral powers is inviolable." (*TC–4*)

A point arises on this Convention. Under Article 20, the provisions of the present Convention do not apply except between the contracting powers, and then only if all the belligerents are parties to the Convention.

As Great Britain and France entered the war within two days of the outbreak of the war between Germany and Poland, and one of these powers had not ratified the Convention, it is arguable that its provisions did not apply to the Second World War.

Since there are many more important treaties to be considered, the charge will not be pressed that this treaty was likewise breached. The terms of Article 1 are cited merely as showing the state of International opinion at the time, and as an element in the aggressive character of the war.

E. *Treaty of Peace between the Allies and the Associated Powers of Germany, signed at Versailles on 28 June 1919.*

Part I of this treaty (*TC– 5 thru TC–10*) contains the Covenant of the League of Nations, and Part II sets the boundaries of Germany in Europe. These boundaries are described in detail. Part II makes no provision for guaranteeing these boundaries. Part III, Articles 31 to 117, contains the political clauses for Europe. In it, Germany guarantees certain territorial boundaries in Belgium, Luxembourg, Austria, Czechoslovakia, France, Poland, Memel, Danzig, etc.

This treaty is interwoven with the next, which is the Treaty of Restoration of Friendly Relations between the United States and Germany. Parts I, II, and III of the Versailles Treaty are not included in the United States Treaty. Parts IV, V, VI, VIII, IX, X, XI, XII, XIV, and XV are all repeated *verbatim* in the United States Treaty from the Treaty of Versailles. This case is concerned with Part V, which are the military, naval, and air clauses. Parts VII and XIII are not included in the United States Treaty.

(1) *Territorial Guarantees.*

(*a*) *The Rhineland.* The first part with which this case is concerned is Articles 42 to 44 dealing with the Rhineland (*TC–5*). These are repeated in the Locarno Treaty. They read as follows:

> "Article 42: Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.
>
> "Article 43: In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.
>
> "Article 44: In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world."

(The speech by Hitler on 7 March 1936, giving his account of the breach of this treaty (*2289–PS*), is discussed in Section 2, *supra.*)

(*b*) *Austria.* The next part of the Treaty deals with Austria:

> "Article 80: Germany acknowledges and will respect strictly the independence of Austria within the frontiers which may be fixed in a treaty between that State and the principal Allied and Associated powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations." (*TC–6*)

(The proclamation of Hitler dealing with Austria (*TC–47*), is discussed in Section 3 *supra.*)

(*c*) *Memel.* Germany also gave guarantee with respect to Memel:

> "Germany renounces, in favor of the principal Allied and Associated powers, all rights and title over the territories included between the Baltic, the Northeastern frontier of

> East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present treaty, and the former frontier between Germany and Russia. Germany undertakes to accept the settlement made by principal Allied and Associated powers in regard to these territories, particularly insofar as concerns the nationality of inhabitants." (*TC–8*)

The formal document by which Germany incorporated Memel into the Reich, reads as follows:

> "The transfer Commissioner for the Memel territory, *Gauleiter und Oberpraesident* Erich Koch, effected on 3 April 1939, during a conference at Memel, the final incorporation of the late Memel territory into the National Socialist Party Gau of East Prussia and into the state administration of the East Prussian *Regierungsbezirk* of Grunbinnen." (*TC–53–A*)

(*d*) *Danzig.* Article 100 of the treaty relates to Danzig:

> "Germany renounces, in favor of the principal Allied and Associated Powers, all rights and title over the territory comprised within the following limits * * * (The limits are set out and are described in a German map attached to the Treaty.) (*TC–9*)

(*e*) *Czechoslovakia.* In Article 81, Germany made pledges regarding Czechoslovakia:

> "Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czechoslovak State, which will include the autonomous territory of the Ruthenians to the South of the Carpathians. Germany hereby recognizes the frontiers of this State as determined by the principal Allied and Associated Powers and other interested states." (*TC–7*)

Captured minutes of the German Foreign Office record in detail the conference between Hitler and President Hacha, and Foreign Minister Chvalkowsky of Czechoslovakia, at which Goering and Keitel were present (*2798–PS*). The agreement subsequently signed by Hitler and Ribbentrop for Germany, and by Dr. Hacha and Dr. Chvalkowsky for Czechoslovakia, reads as follows:

> "Text of the Agreement between the Fuehrer and Reichs Chancellor Adolf Hitler and the President of the Czechoslovak State, Dr. Hacha.
>
> "The Fuehrer and Reichs Chancellor today received in Berlin, at their own request, the President of the Czechoslovak State, Dr. Hacha, and the Czechoslovak Foreign Minister, Dr. Chvalkowsky, in the presence of Herr Von Ribbentrop, the Foreign Minister of the Reich. At this meeting the serious situation which had arisen within the previous territory of

Czechoslovakia owing to the events of recent weeks, was subjected to a completely open examination. The conviction was unanimously expressed on both sides that the object of all their efforts must be to assure quiet, order and peace in this part of Central Europe. The President of the Czechoslovak State declared that, in order to serve this end and to reach a final pacification, he confidently placed the fate of the Czech people and of their country in the hands of the Fuehrer of the German Reich. The Fuehrer accepted this declaration and expressed his decision to assure to the Czech people, under the protection of the German Reich, the autonomous development of their national life in accordance with their special characteristics. In witness whereof this document is signed in duplicate." (*TC- 49*)

Hitler's proclamation to the German people, dated 15 March 1939, reads as follows:

"Proclamation of the Fuehrer to the German people, 15 March 1939.

"To the German People:

"Only a few months ago Germany was compelled to protect her fellow-countrymen, living in well-defined settlements, against the unbearable Czechoslovakian terror regime; and during the last weeks the same thing has happened on an ever-increasing scale. This is bound to create an intolerable state of affairs within an area inhabited by citizens of so many nationalities.

"These national groups, to counteract the renewed attacks against their freedom and life, have now broken away from the Prague Government. Czechoslovakia has ceased to exist.

"Since Sunday at many places wild excesses have broken out, amongst the victims of which are again many Germans. Hourly the number of oppressed and persecuted people crying for help is increasing. From areas thickly populated by German-speaking inhabitants, which last autumn Czechoslovakia was allowed by German generosity to retain, refugees robbed of their personal belongings are streaming into the Reich.

"Continuation of such a state of affairs would lead to the destruction of every vestige of order in an area in which Germany is vitally interested particularly as for over one thousand years it formed a part of the German Reich.

"In order definitely to remove this menace to peace and to create the conditions for a necessary new order in this living space, I have to-day resolved to allow German troops to

> march into Bohemia and Moravia. They will disarm the terror gangs and the Czechoslovakian forces supporting them, and protect the lives of all who are menaced. Thus they will lay the foundations for introducing a fundamental reordering of affairs which will be in accordance with the 1,000-year old history and will satisfy the practical needs of the German and Czech peoples". (*TC–50*)

A footnote contains an order of the Fuehrer to the German armed forces of the same date, in which they are told to march in to safeguard lives and property of all inhabitants and not to conduct themselves as enemies, but as an instrument for carrying out the German Reich Government's decision. (*TC–50*)

Next came the decree establishing the Protectorate of Bohemia and Moravia. (*TC–51*)

In a communication from Foreign Minister Halifax to Sir Neville Henderson, British Ambassador in Berlin, the British Government protested against these actions:

> "Foreign Office, March 17, 1939:
>
> "Please inform German Government that His Majesty's Government desire to make it plain to them that they cannot but regard the events of the past few days as a complete repudiation of the Munich Agreement and a denial of the spirit in which the negotiators of that Agreement bound themselves to cooperate for a peaceful settlement.
>
> "His Majesty's Government must also take this occasion to protest against the changes effected in Czechoslovakia by German military action, which are, in their view, devoid of any basis of legality." (*TC–52*)

The French Government also made a protest on the same date:

> "* * * The French Ambassador has the honor to inform the Minister for Foreign Affairs of the Reich of the formal protest made by the Government of the French Republic against the measures which the communication of Count de Welzeck records.
>
> "The Government of the Republic consider, in fact, that in face of the action directed by the German Government against Czechoslovakia, they are confronted with a flagrant violation of the letter and the spirit of the agreement signed at Munich on September 9, 1938.
>
> "The circumstances in which the agreements of March 15 have been imposed on the leaders of the Czechoslovak Republic do not, in the eyes of the Government of the Republic, legalize the situation registered in that agreement.
>
> "The French Ambassador has the honor to inform His Ex-

cellency, the Minister for Foreign Affairs of the Reich, that the Government of the Republic can not recognize under these conditions the legality of the new situation created in Czechoslovakia by the action of the German Reich." (*TC–53*)

(2) *Armament Limitations.* Part V of the Treaty, containing Military, Naval and Air Clauses reads as follows:

> "In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.
>
> "Section 1. Military Clauses. Effectives and Cadres of the German Army * * *"

* * * * * * *

> "Article 159. The German military forces shall be demobilized and reduced as prescribed hereinafter.
>
> "Article 160. By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.
>
> "After that date, the total number of effectives in the army of the States constituting Germany must not exceed 100,000 men, including officers and establishments of depots. The army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontier.
>
> "The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed 4,000."

* * * * * * *

> (2) "Divisions and Army Corps headquarters staffs, shall be organized in accordance with Table Number 1 annexed to this Section. The number and strength of units of infantry, artillery, engineers, technical services and troops laid down in the aforesaid table constitute maxima which must not be exceeded."

* * * * * * *

> "The maintenance or formation of forces differently grouped or of other organizations for the command of troops or for preparation for war is forbidden.
>
> "The great German General Staff and all similar organizations shall be dissolved and may not be reconstituted in any form." (*TC–10*)

Article 163 provides the steps by which the reduction will take place. Chapter 2 which deals with armament, provides that up till the time at which Germany is admitted as a member of the League of Nations, the armaments shall not be greater than the amount fixed in Table Number 11. In other words, Germany agrees that after she has become a member of the League of Nations, the armaments fixed in the said table shall remain in force until they are modified by the Council of the League of Nations. Furthermore, she hereby agrees strictly to observe the decisions of the Council of the League on this subject. (*TC–10*)

Article 168 reads:

> "The manufacture of arms, munitions or any war material shall only be carried out in factories or works, the location of which shall be communicated to and approved by the governments of the Principal Allied and Associated Powers, and the number of which they retain the right to restrict. * * *" (*TC–10*)

Article 173, under the heading "Recruiting and Military Training", deals with one matter, the breach of which is of great importance:

> "Universal compulsory military service shall be abolished in Germany. The German Army may only be reconstituted and recruited by means of voluntary enlistment." (*TC–10*)

The succeeding articles deal with the method of enlistment in order to prevent a quick rush through the army of men enlisted for a short time.

Article 180 provides:

> "All fortified works, fortresses and field works situated in German territory to the west of a line drawn 50 kilometers to the east of the Rhine shall be disarmed and dismantled. * * *" (*TC–10*)

Article 181 contains naval limitations:

> "After a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:
>
> Six battleships of the Deutschland or Lothringen type
> Six light cruisers
> Twelve destroyers
> Twelve torpedo boats
>
> or an equal number of ships constructed to replace them as provided in Article 190.
>
> "No submarines are to be included.
>
> "All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes." (*TC–10*)

Article 183 limits naval personnel to fifteen thousand, including officers and men of all grades and corps.

Article 191 provides:

> "The construction or acquisition of any submarines, even for commercial purposes, shall be forbidden in Germany." (*TC–10*)

Article 198, the first of the Air Clauses, commences:

> "The armed forces of Germany must not include any military or naval air forces." (*TC–10*)

The formal statement made at the German Air Ministry about the reinauguration of the Air Corps is reproduced in *TC–44*. The public proclamation of compulsory military service is contained in *TC–45*.

F. *Treaty between the United States and Germany Restoring Friendly Relations.*

The purpose of this treaty (*TC–11*) was to complete the official cessation of hostilities between the United States of America and Germany; it also incorporated certain parts of the Treaty of Versailles. The relevant portion is Part 5, which repeats the clauses of the Treaty of Versailles which have been discussed immediately above.

G. *Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain, and Italy, done at Locarno, 16 October 1925.*

Several treaties were negotiated at Locarno; they all go together and are to a certain extent mutually dependent. At Locarno, Germany negotiated five treaties: (*a*) the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain, and Italy (*TC–12*); (*b*) the Arbitration Convention between Germany and France; (*c*) the Arbitration Convention between Germany and Belgium; (*d*) the Arbitration Treaty between Germany and Poland; and (*e*) an Arbitration Treaty between Germany and Czechoslovakia.

Article 10 of the Treaty of Mutual Guarantee (*TC–12*) provided that it should come into force as soon as ratifications were deposited at Geneva in the archives of the League of Nations, and as soon as Germany became a member of the League of Nations. The ratifications were deposited on 14 September 1926, and Germany became a member of the League of Nations.

The two arbitration conventions and the two arbitration treaties provided that they shall enter into force under the same conditions as the Treaty of Mutual Guarantee. (Article 21 of the arbitration conventions and Article 22 of the arbitration treaties.)

The most important of the five agreements is the Treaty of Mutual Guarantee (*TC–12*). One of the purposes was to establish in perpetuity the borders between Germany and Belgium, and Germany and France. It contains no provision for denunciation or withdrawal therefrom and provides that it shall remain in force until the Council of the League of Nations decides that the League of Nations ensures sufficient protection to the parties to the Treaty—an event which never happened—in which case the Treaty of Mutual Guarantee shall expire one year later.

The general scheme of the Treaty of Mutual Guarantee is that Article 1 provides that the parties guarantee three things: the border between Germany and France, the border between Germany and Belgium, and the demilitarization of the Rhineland.

Article 2 provides that Germany and France, and Germany and Belgium agree that they will not attack or invade each other, with certain inapplicable exceptions; and Article 3 provides that Germany and France, and Germany and Belgium agree to settle all disputes between them by peaceful means. (*TC–12*)

The first important violation of the Treaty of Mutual Guarantee appears to have been the entry of German troops into the Rhineland on 7 March 1936. The day after, France and Belgium asked the League of Nations Council to consider the question of the German reoccupation of the Rhineland and the purported repudiation of the treaty. On 12 March, after a protest from the British Secretary for Foreign Affairs, Belgium, France, Great Britain, and Italy recognized unanimously that the reoccupation was a violation of this treaty. On 14 March, the League Council duly and properly decided that reoccupation was not permissible and that the Rhineland clauses of the pact were not voidable by Germany because of the alleged violation by France in the Franco-Soviet Mutual Assistance Pact.

That is the background to the treaty. The relevant articles are 1, 2, and 3, already mentioned; 4, which provides for the bringing of violations before the Council of the League, as was done; and 5, which deals with the clauses of the Versailles Treaty already mentioned. It provides:

> "The provisions of Article 3 of the present Treaty are placed under the guarantee of the High Contracting Parties as provided by the following stipulations:
>
> "If one of the Powers referred to in Article 3 refuses to submit a dispute to peaceful settlement or to comply with an arbitral or judicial decision and commits a violation of Article 2 of the present Treaty or a breach of Article 42 or 43 of the Treaty of Versailles, the provisions of Article 4 of the present Treaty shall apply." (*TC–12*)

That is the procedure requiring reference to the League in the case of a flagrant breach or of more stringent action.

It may be recalled that Hitler had promised that the German Government would scrupulously maintain their treaties voluntarily signed, even though they were concluded before Hitler's accession to power. No one has ever argued that Stresemann was in any way acting involuntarily when he signed this Locarno Pact on behalf of Germany, along with the other representatives. (The signature is not in Stresemann's name, but by Herr Hans Luther.) This treaty, which repeats the violated provisions of the Versailles Treaty, was freely entered into and binds Germany in that regard. Article 8 deals with the preliminary enforcement of the Treaty by the League:

> "The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the High Contracting Parties notified to the other signatory Powers three months in advance, and voting at least by a two-thirds majority, decides that the League of Nations ensures sufficient protection to the High Contracting Parties; the Treaty shall cease to have effect on the expiration of a period of one year from such decision." (*TC-12*)

Thus, in signing this Treaty, the German representative clearly placed the question of repudiation or violation of the Treaty in the hands of others. Germany was at the time a member of the League, and a member in the Council of the League. Germany left the question of repudiation or violations to the decision of the League.

H. *Arbitration Treaty between Germany and Czechoslovakia, signed at Locarno in October 1925.*

Article I is the governing clause of this treaty (*TC-14*). It provides:

> "All disputes of every kind between Germany and Czechoslovakia with regard to which the Parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal, or to the Permanent Court of International Justice as laid down hereafter. It is agreed that the disputes referred to above include, in particular, those mentioned in Article 13 of the Covenant of the League of Nations. This provision does not apply to disputes arising out of or prior to the

> present Treaty and belonging to the past. Disputes for the settlement of which a special procedure is laid down on other conventions in force between the High Contracting Parties, shall be settled in conformity with the provisions of those Conventions."

This treaty was registered with the Secretariat of the League in accordance with Article 22, the second sentence of which shows that the Treaty was entered into and its terms in force under the same conditions as the Treaty of Mutual Guarantee. (*TC–12*)

This is the Treaty to which President Benes unsuccessfully appealed during the crisis in the Autumn of 1938.

I. *Arbitration Convention Between Germany and Belgium, signed at Locarno, October 1925.*

(This treaty, *TC–13,* is discussed in Section 10 of this chapter dealing with the invasion of Belgium, Netherlands and Luxembourg.)

J. *Arbitration Treaty Between Germany and Poland, signed at Locarno, 16 October 1925.*

(This treaty, *TC–15,* is discussed in Section 8 of this chapter dealing with the invasion of Poland.)

K. *Declaration of the Assembly of the League of Nations of 24 September 1927.*

Germany had become a member of the League of Nations on 10 September 1926, a year before this Declaration was made.

The importance of this Declaration is not only its effect on International Law, but to the fact that it was unanimously adopted by the Assembly of the League of Nations, of which Germany was a free and active member at the time. Referring to the unanimous adoption of the Declaration, M. Sokal, the Polish Rapporteur, had this to say:

> "The Committee was of opinion that, at the present juncture, a solemn resolution passed by the Assembly, declaring that wars of aggression must never be employed as a means of settling disputes between States, and that such wars constitute an international crime, would have a salutary effect on public opinion, and would help to create an atmosphere favorable to the League's future work in the matter of security and disarmament.
>
> "While recognizing that the draft resolution does not constitute a regular legal instrument, which would be adequate

> in itself and represent a concrete contribution towards security, the Third Committee unanimously agreed as to its great moral and educative value." (*TC–18*)

M. Sokal then asked the Assembly to adopt the draft resolution, the terms of which show what so many nations, including Germany, had in mind at that time. The resolution recited that the Assembly—

> "* * * recognizing the solidarity which unites the community of nations, being inspired by a firm desire for the maintenance of general peace, being convinced that a war of aggression can never serve as a means of settling international disputes, and in consequence an international crime; considering that the solemn renunciation of all wars of aggression would tend to create an atmosphere of general confidence calculated to facilitate the progress of the work undertaken with a view to disarmament:
>
> "Declares: 1. That all wars of aggression are and shall always be prohibited.
>
> "2. That every pacific means must be employed to settle disputes of every description, which may arise between States.
> "That the Assembly declares that the States Members of the League are under an obligation to conform to these principles." (*TC–18*)

The fact of the solemn renunciation of war was taken in the form of a roll call, and the President announced that:

> "All the delegations having pronounced in favour of the declaration submitted by the Third Committee, I declare it unanimously adopted." (*TC–18*)

L. *The Kellogg-Briand Pact of 1928.*

(This treaty, *TC–19*, is discussed in Sir Hartley Shawcross's opening address for Great Britain, to be found in Section 5, *supra.*)

M. *Assurances.*

(1) *Austria.* On 21 May 1935 Hitler made a speech containing this assurance:

> "Germany neither intends nor wishes to interfere in the domestic affairs of Austria, to annex Austria, or to attach that country to her. The German people and the German Government have, however, the very comprehensible desire, arising out of the simple feeling of solidarity due to a common national descent, that the right to self-determination should

> be guaranteed not only to foreign nations, but to the German people everywhere.
>
> "I myself believe that no regime which is not anchored in the people, supported by the people, and desired by the people, can exist permanently." (*TC–26*)

Similarly, in the Agreement between the German Government and the Government of the Federal State of Austria, on July 11, 1936, paragraph one stated as follows:

> "The German Government recognizes the full sovereignty of the Federal State of Austria in the sense of the pronouncements of the German Leader and Chancellor of the 21st May, 1935." (*TC–22*)

(2) *Czechoslovakia.* The German Assurance to Czechoslovakia is contained in the letter from M. Jan Masaryk to Viscount Halifax on the date of 12 March 1938 (*TC–27*). The first paragraph shows that Field Marshall Goering used the expression *"Ich gebe Ihnen Mein Ehrenwort."* That means, "I give my word of honor." The third paragraph shows that Goering had asked that there would not be a mobilization of the Czechoslovak Army. The fourth paragraph reads:

> "M. Mastny was in a position to give him definite and binding assurances on this subject, and today he spoke with Baron von Neurath, who, among other things, assured him on behalf of Herr Hitler that Germany still considers herself bound by the German-Czechoslovak Arbitration Convention concluded at Locarno in October 1925." (*TC–27*)

So that in 1935 Baron von Neurath was speaking on behalf of Germany on an agreement voluntarily concluded. Had there been the slightest doubt of that question, von Neurath gave the assurance on behalf of Hitler that Germany still considered itself bound by the German-Czechoslovakia Arbitration Convention on the 12 March 1938, six months before Dr. Benes made a hopeless appeal to it before the crisis in the Army in 1938.

Czechoslovakia's difficult position is set out in the pregnant last paragraph:

> "They can not however fail to view with great apprehension the sequel of events in Austria between the date of the bilateral agreement between Germany and Austria, 11 July 1936, and yesterday, 11 March 1938." (*TC–27*)

On 26 September 1938, Hitler made an assurance to Czechoslovakia which contains important points as to the alleged German policy of getting Germans together in the Reich, for which the Nazi conspirators had purported to request a considerable time:

> "I have a little to explain. I am grateful to Mr. Chamberlain for all his efforts, and I have assured him that the German people want nothing but peace; but I have also told him that I can not go back beyond the limits of our patience." (*TC–28*)

(This occurred between the Godesberg Treaty and the Munich Pact).

> "I assured him, moreover, and I repeat it here, that when this problem is solved there will be no more territorial problems for Germany in Europe. And I further assured him that from the moment when Czechoslovakia solves its other problems, that is to say, when the Czechs have come to an arrangement with their other minorities peacefully, and without oppression, I will no longer be interested in the Czech State. And that, as far as I am concerned, I will guarantee it. We don't want any Czechs. But I must also declare before the German people that in the Sudeten German problem my patience is now at an end. I made an offer to Herr Benes which was no more than the realization of what he had already promised. He now has peace or war in his hands. Either he will accept this offer and at length give the Germans their freedom, or we will get this freedom for ourselves." (*TC–28*)

The Munich Agreement of 29 September 1938 (*TC–23*) was signed by Hitler, later by Mr. Chamberlain, Mr. Daladier, and Mussolini. It is largely a procedural agreement by which the entry of German troops into Sudeten-Deutsche territory is regulated. That is shown by the preliminary clause:

> "Germany, the United Kingdom, France and Italy, taking into consideration the agreement which has been already reached in principle for the cession to Germany of the Sudeten German territory have agreed on the following terms and conditions governing the said cession and the measures consequent thereon, and by this agreement they each hold themselves responsible for the steps necessary to secure fulfillment." (*TC–23*)

Article 4 states that "The occupation by stages of the predominantly German territory by German troops will begin on 1 October." The four territories are marked on the attached map. Article 6 provides that "The final determination of the frontiers will be carried out by the international commission." (*TC–23*)

The agreement provides also for various rights of option and release from the Czech forces of Sudeten Germans (*TC–23*). That was what Hitler was asking for in the somewhat rhetorical passage previously referred to (*TC–28*).

There is an annex to the Munich Agreement which is most significant:

> "Annex to the Agreement:
>
> "His Majesty's Government in the United Kingdom and the French Government have entered into the above Agreement on the basis that they stand by the offer contained in Paragraph 6 of the Anglo-French Proposal of the 19th September, relating to an international guarantee of the new boundaries of the Czechoslovak State against unprovoked aggression.
>
> "When the question of the Polish and Hungarian minorities in Czechoslovakia has been settled Germany and Italy, for their part, will give a guarantee to Czechoslovakia." (*TC-23*)

The provision concerns "the Polish and Hungarian minorities," not the question of Slovakia. That is why that the German action of the 15th of March was a flagrant violation of the letter and spirit of that Agreement. (For fuller discussion see Section 4 of this Chapter relating to aggression against Czechoslovakia.)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO TREATY VIOLATIONS

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections V; VI; Appendix C.............	I	29,30, 73
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in		

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	parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*2289–PS	Hitler's speech in the Reichstag, 7 March 1936, published in Voelkischer Beobachter, Berlin Edition, No. 68, 8 March 1936. (USA 56)	IV	994
*2798–PS	German Foreign Office minutes of the meeting between Hitler and President Hacha of Czechoslovakia, 15 March 1939. (USA 118; GB 5)	V	433
*TC–1	Hague Convention for Pacific Settlement of International Disputes signed at The Hague, 29 July 1899. (GB 1)	VIII	273
*TC–2	Hague Convention (1) for Pacific Settlement of International Disputes — 1907. (GB 2)	VIII	276
*TC–3	Hague Convention (3) Relative to opening of Hostilities. (GB 2)	VIII	279
*TC–4	Hague Convention (5) Respecting Rights and Duties of Neutral Powers and Persons in War on Land. (GB 2)	VIII	282
*TC–5	Versailles Treaty, Article 42–44. (GB 3)	VIII	288
*TC–6	Versailles Treaty, Section VI, Article 80, Austria. (GB 3)	VIII	289
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*TC–8	Versailles Treaty, Section X, Article 99, Memel. (GB 3)	VIII	289
*TC–9	Versailles Treaty, Section XI, Article 100, Free City of Danzig. (GB 3)	VIII	290
*TC–10	Versailles Treaty, Part V, Military, Naval and Air Clauses. (GB 3)	VIII	291
*TC–11	Treaty between the United States and Germany restoring friendly relations, 25 August 1921. (USA 12)	VIII	308
*TC–12	Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy, done at Locarno, 16 October 1925. (GB 13)	VIII	313
*TC–13	Arbitration Convention between Germany and Belgium at Locarno, 16 October 1925. (GB 15)	VIII	320
*TC–14	Arbitration Treaty between Germany and Czechoslovakia, signed at Locarno, 16 October 1925. (GB 14)	VIII	325
*TC–15	Arbitration Treaty between Germany and Poland at Locarno, 16 October 1925. (GB 16)	VIII	331
*TC–18	Declaration concerning wars of aggression; resolution of 3rd Committee of League of Nations, 24 September 1927. (GB 17)	VIII	357
*TC–19	Kellogg-Briand Pact at Paris. 1929 Reichsgesetzblatt, Part II, No. 9, pp. 97–101. (GB 18)	VIII	359
*TC–21	German-Polish Declaration, 26 January 1934. (GB 24)	VIII	368
*TC–22	Agreement between Austria and German Government and Govern-		

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	ment of Federal State of Austria, 11 July 1936. (GB 20)...........	VIII	369
*TC–23	Agreement between Germany, the United Kingdom, France and Italy, 29 September 1938. (GB 23).	VIII	370
*TC–25	Non-aggression Treaty between Germany and USSR and announcement of 25 September 1939 relating to it. (GB 145)..............	VIII	375
*TC–26	German assurance to Austria, 21 May 1935, from Documents of German Politics, Part III, p. 94. (GB 19)........................	VIII	376
*TC–27	German assurances to Czechoslovakia, 11 and 12 March 1938, as reported by M. Masaryk, the Czechoslovak Minister to London to Viscount Halifax. (GB 21).....	VIII	377
*TC–28	German assurance to Czechoslovakia, 26 September 1938, from Documents of German Politics, Part VI, pp. 345–346. (GB 22)....	VIII	378
*TC–44	Notice by German government of existence of German Air Force, 9 March 1935. (GB 11)..........	VIII	386
TC–45	Proclamation to German People of 16 March 1935..................	VIII	388
TC–46	German memorandum to Signatories of Locarno Pact reasserting full German sovereignty over Rhineland, 7 March 1936.........	VIII	394
TC–47	Hitler's Proclamation of Invasion of Austria, 12 March 1938.........	VIII	398
*TC–49	Agreement with Czechoslovakia, 15 March 1939, signed by Hitler, von Ribbentrop, Hacha and Chvalkovsky, from Documents of German Politics, Part VII, pp. 498–499. (GB 6)..................	VIII	402

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*TC-50	Proclamation of the Fuehrer to the German people and Order of the Fuehrer to the Wehrmacht, 15 March 1939, from Documents of German Politics, Part VII, pp. 499-501. (GB 7)............	VIII	402
*TC-51	Decree establishing the Protectorate of Bohemia and Moravia, 16 March 1939. (GB 8)..........	VIII	404
*TC-52	Formal British protest against the annexation of Czechoslovakia in violation of the Munich Agreement, 17 March 1939. (GB 9).....	VIII	407
*TC-53	Formal French protest against the annexation of Bohemia and Moravia in violation of the Munich Agreement, 17 March 1939. (GB 10)..........................	VIII	407
*TC-53-A	Marginal note to decree of final incorporation of Memel with German Reich, 23 March 1939, from Documents of German Politics, Part VII, p. 552. (GB 4).........	VIII	408
*TC-54	Proclamation of the Fuehrer to German Armed Forces, 1 September 1939. (GB 73)...............	VIII	408
*TC-54-A	"Danzig's return to the Reich", from Documents of German Politics, Part VII, p. 575. (GB 73)...	VIII	409
TC-62	German declaration of war on U.S.A., 11 December 1941, from Documents of German Politics, Part IV, p. 497.................	VIII	432
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8. AGGRESSION AGAINST POLAND, DANZIG, ENGLAND AND FRANCE

A. *Treaties Breached.*

In addition to the general treaties involved—The Hague Convention in respect of the Pacific Settlement of International Disputes (*TC–2*); other Hague Conventions of 1907 (*TC–3; TC–4*); the Versailles Treaty (*TC–9*) in respect of the Free City of Danzig; and the Kellogg-Briand Pact (*TC–19*)—two specific agreements were violated by the German attack on Poland. These were the Arbitration Treaty between Germany and Poland, signed at Locarno on 16 October 1925, and the Declaration of Non-Aggression which was entered into between Germany and Poland on 26 January 1934.

The German-Polish Arbitration Treaty (*TC–15*) declares in the preamble and Articles 1 and 2:

> "The President of the German Empire and the President of the Polish Republic:
>
> "Equally resolved to maintain peace between Germany and Poland by assuring the peaceful settlement of differences which might arise between the two countries;
>
> "Declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals;
>
> "Agreeing to recognize that the rights of a State cannot be modified save with its consent;
>
> "And considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States;
>
> "Have decided . . ."
>
> "Article 1: All disputes of every kind between Germany and Poland with regard to which the Parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy, shall be submitted for decision either to an arbitral tribunal or to the Permanent Court of International Justice, as laid down hereafter."
>
> "Article 2: Before any resort is made to arbitral procedure before the Permanent Court of International Justice, the dispute may, by agreement between the Parties, be submitted, with a view to amicable settlement, to a permanent international commission, styled the Permanent Conciliation Commission, constituted in accordance with the present Treaty." (*TC–15*)

Thereafter the treaty goes on to lay down the procedure for arbitration and for conciliation. Germany, however, in September 1939 attacked and invaded Poland without having first attempted to settle its disputes with Poland by peaceful means.

The second specific treaty, the German-Polish Declaration of 26 January 1934, reads in part:

> "The German Government and the Polish Government consider that the time has come to introduce a new era in the political relations between Germany and Poland by a direct understanding between the States. They have therefore decided to establish by the present declaration a basis for the future shaping of those relations.
>
> "The two Governments assume that the maintenance and assurance of a permanent peace between their countries is an essential condition for general peace in Europe."
>
> * * * * * * *
>
> "The declaration shall remain in effect for a period of ten years counting from the day of exchange of instruments of ratification. In case it is not denounced by one of the two governments six months before the expiration of that period of time, it shall continue in effect but can then be denounced by either government at a time of six months and at any time in advance." (*TC–21*)

B. *German Intentions Before March 1939.*

It has been previously shown that the actions against Austria and Czechoslovakia were in themselves part of the preparation for further aggression. Even at that time, before the Germans had seized the whole of Czechoslovakia, they were perfectly prepared to fight England, Poland, and France, if necessary, to achieve those aims. They appreciated the whole time that they might well have to do so. Furthermore, although not until after March 1939, did they commence upon their immediate and specific preparations for a specific war against Poland, nevertheless, they had for a considerable time before had it in mind specifically to attack Poland once Czechoslovakia was completely theirs.

During this period also—and this happens throughout the whole story of the Nazi regime in Germany—as afterwards, while they were making their preparations and carrying out their plans, they were giving to the outside world assurance after assurance so as to lull them out of any suspicion of their real object.

When the agreement with Poland was signed in January 1934, Hitler had this to say:

> "When I took over the Government on the 30th of January, the relations between the two countries seemed to me more than unsatisfactory. There was a danger that the existing differences which were due to the Territorial Clauses of the Treaty of Versailles and the mutual tension resulting therefrom would gradually crystalize into a state of hostility which, if persisted, might too easily acquire the character of a dangerous traditional enmity."

* * * * * * *

> "In the spirit of this Treaty the German Government is willing and prepared to cultivate economic relations with Poland in such a way that here, too, the state of unprofitable suspicion can be succeeded by a period of useful cooperation. It is a matter of particular satisfaction to us that in this same year the National Socialist Government of Danzig has been enabled to effect a similar clarification of its relations with its Polish neighbor." (*TC–70*)

That was in 1934. Three years later, again on 30 January, speaking in the Reichstag, Hitler said:

> "By a series of agreements we have eliminated existing tension and thereby contributed considerably to an improvement in the European atmosphere. I merely recall an agreement with Poland which has worked out to the advantage of both sides. True statesmanship will not overlook reality but consider them. The Italian nation and the new Italian state are realities. The German nation and the German Reich are equally realities, and to my own fellow citizens I would say that the Polish nation and the Polish state have also become a reality." (*2368–PS*)

That was on 30 January 1937.

On 24 June 1937, a "Top Secret Order (*C–175*) was issued by the Reich Minister for War and Commander in Chief of the Armed Forces, signed "Von Blomberg". There is the notation at the top, "Written by an Officer. Outgoing documents in connection with this matter and dealing with it in principle are to be written by an officer." With it is enclosed a Directive for the Unified Preparation for War of the Armed Forces, to come into force on 1 August 1937. The enclosed directive is divided into Part 1, "General Guiding Principle"; Part 2, "Likely Warlike Eventualities"; Part 3, "Special Preparations". The substance of the document justifies the supposition that Germany need not consider an attack from any side.

The second paragraph states:

> "* * * The intention to unleash a European war is held

> just as little by Germany. Nevertheless, the politically fluid world situation, which does not preclude surprising incidents, demands a continuous preparedness for war of the German Armed Forces.
>
> "To counter attacks at any time, and to enable the military exploitation of politically favorable opportunities should they occur." (*C–175*)

The preparations which are to be made are then set forth:

> "* * * The further working on mobilization without public announcement in order to put the Armed Forces in a position to begin a war suddenly and by surprise both as regards strength and time."
>
> * * * * * * *
>
> "Special preparations are to be made for the following eventualities: Armed intervention against Austria; warlike entanglement with Red Spain." (*C–175*)

Another passage shows clearly how they appreciated at that time that their actions against Austria and Czechoslovakia might well involve them in war.

> "* * * England, Poland, Lithuania take part in a war against us." (*C–175*)

Part 2 of this directive, dealing with "Probable warlike eventualities—Concentrations," states:

> "1. War on two fronts with focal point in the West.
>
> "Suppositions. In the West France is the opponent. Belgium may side with France, either at once or later or not at all. It is also possible that France may violate Belgium's neutrality if the latter is neutral. She will certainly violate that of Luxembourg." (*C–175*)

Part 3, which deals in part with "Special Case—Extension Red-Green," declares:

> "The military political starting point used as a basis for concentration plans Red and Green can be aggravated if either England, Poland or Lithuania join on the side of our opponents. Thereupon our military position would be worsened to an unbearable, even hopeless, extent. The political leaders will therefore do everything to keep these countries neutral, above all England and Poland." (*C–175*)

The date of this order is June 1937, and it seems clear that at that date, anyway, the Nazi Government appreciated the likelihood, if not the probability, of fighting England and Poland and France, and were prepared to do so. On 5 November 1937, Hitler held his conference in the Reichschancellery, the minutes of which, referred to as the Hossbach notes, contain the remarks made by Hitler in respect of England, Poland, and France:

> "The Fuehrer then stated: 'The aim of German policy is the security and preservation of the nation and its propagation. This is consequently a problem of space'." (*386–PS*)

Hitler then went on to discuss what he described as "participation in world economy", and declared:

> "The only way out, and one which may appear imaginary, is the securing of greater living space, an endeavor which at all times has been the cause of the formation of states and movements of nations." (*386–PS*)

* * * * * * *

> "The history of all times, Roman Empire, British Empire, has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable. Neither formerly nor today has space been found without an owner. The attacker always comes up against the proprietor." (*386–PS*)

On the same day as this Hossbach meeting in the Reichschancellery was taking place, a communique was being issued as a result of the Polish ambassador's audience with Hiter (*TC–73 No. 33*). In the course of this conversation, the communique stated:

> "It was confirmed that Polish-German relations should not meet with difficulty because of the Danzig question." (*TC–73 No. 33*)

On 2 January 1938, some unknown person wrote a memorandum for the Fuehrer. This document is headed, "Very Confidential—Personal Only", and is entitled "Deduction on the report, German Embassy, London, regarding the future form of Anglo-German relations." It states in part:

> "With the realization that Germany will not tie herself to a status quo in Central Europe, and that sooner or later a military conflict in Europe is possible, the hope of an agreement will slowly disappear among Germanophile British politicians, insofar as they are not merely playing a part that has been given to them. Thus the fateful question arises: Will Germany and England eventually be forced to drift into separate camps and will they march against each other one day? To answer this question, one must realize the following:
>
> "Change of the status quo in the east in the German sense can only be carried out by force. So long as France knows that England, which so to speak has taken on a guarantee to aid France against Germany, is on her side, France's fight-

> ing for her eastern allies is probable in any case, always possible, and thus with it war between Germany and England. This applies then even if England does not want war. England, believing she must attend her borders on the Rhine, would be dragged in automatically by France. In other words, peace or war between England and Germany rests solely in the hands of France, who could bring about such a war between Germany and England by way of a conflict between Germany and France. It follows therefore that war between Germany and England on account of France can be prevented only if France knows from the start that England's forces would not be sufficient to guarantee their common victory. Such a situation might force England, and thereby France, to accept a lot of things that a strong Anglo-France coalition would never tolerate.
>
> "This position would arise for instance if England, through insufficient armament or as a result of threats to her empire by a superior coalition of powers, e. g., Germany, Italy, Japan, thereby tying down her military forces in other places, would not be able to assure France of sufficient support in Europe."

The writer goes on to discuss the possibility of a strong partnership between Italy and Japan, and then reaches a summary:

> "Paragraph five: Therefore, conclusions to be drawn by us.
>
> "1. Outwardly, further understanding with England in regard to the protection of the interests of our friends.
>
> "2. Formation under great secrecy, but with whole-hearted tenacity of a coalition against England, that is to say, a tightening of our friendship with Italy and Japan; also the winning over of all nations whose interests conform with ours directly or indirectly.
>
> "Close and confidential cooperation of the diplomats of the three great powers towards this purpose. Only in this way can we confront England be it in a settlement or in war. England is going to be a hard, astute opponent in this game of diplomacy.
>
> "The particular question whether in the event of a war by Germany in central Europe France and thereby England would interfere, depends on the circumstances and the time at which such a war commences and ceases, and on military considerations which cannot be gone into here." (*TC–75*)

Whoever it was who wrote that document, appears to have been on a fairly high level, because he concludes by saying, "I should like to give the Fuehrer some of these viewpoints verbally." (*TC–75*)

On 20 February 1938, Hitler spoke in the Reichstag. In that speech he said:

> "In the fifth year following the first great foreign political agreement with the Reich, it fills us with sincere gratification to be able to state that in our relations with the state with which we had had perhaps the greatest difference, not only has there been a 'detente,' but in the course of the years there has been a constant improvement in relations. This good work, which was regarded with suspicion by so many at the time, has stood the test, and I may say that since the League of Nations finally gave up its continual attempts to unsettle Danzig and appointed a man of great personal attainments as the new commissioner, this most dangerous spot from the point of view of European peace has entirely lost its menacing character. The Polish State respects the national conditions in this state, and both the city of Danzig and Germany respect Polish rights. And so the way to an understanding has been successfully paved, an understanding which beginning with Danzig has today, in spite of the attempts of certain mischief-makers, succeeded in finally taking the poison out of the relations between Germany and Poland and transforming them into a sincere, friendly cooperation.
>
> "To rely on her friendships, Germany will not leave a stone unturned to save that ideal which provides the foundation for the task which is ahead of us—peace." (*2357–PS*)

A memorandum dated 2 May 1938, and entitled, "Organizational Study 1950," originated in the office of the Chief of the Organizational Staff of the General Staff of the Air Force. Its purpose was said to be: "The task is to search, within a framework of very broadly-conceived conditions, for the most suitable type of organization of the Air Force." (*L–43*). The result gained is termed, "Distant Objective." From this is deduced the goal to be reached in the second phase of the process, which is called, "Final Objective 1942." This in turn yields what is considered the most suitable proposal for the reorganization of the staffs of the Air Force Group Commands, Air Gaus, Air Divisions, etc. (*L–43*)

The Table of Contents is divided into various sections. Section I is entitled, "Assumptions." In connection with the heading "Assumption I, frontier of Germany", a map is enclosed (*Chart No. 10*). The map shows that on 2 May 1938 the Air Force was in Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Austria, and Hungary, all of which are shown as within the boundaries of the Reich.

The following is a pertinent extract from the memorandum:

> "Consideration of the principles of organization on the basis of the assumptions for war and peace made in Section 1:
>
> "1. Attack Forces: Principal adversaries: England, France, and Russia." (*L–43*)

The study then goes on to show all the one hundred forty-four *Geschwader* employed against England, very much concentrated in the Western half of the Reich; that is to say, they must be deployed in such a way that by making full use of their range, they can reach all English territory down to the last corner. Under the paragraph "Assumption" double heading 2, the "Organization of Air Force in peacetime" is shown and seven group commands are indicated: (1) Berlin; (2) Brunswick; (3) Munich; (4) Vienna; (5) Budapest; (6) Warsaw; and (7) Koenigsberg. (*L–43*)

Finally, the study declares:

> "The more the Reich grows in area and the more the Air Force grows in strength, the more imperative it becomes, to have locally bound commands * * *" (*L–43*)

The original of this document is signed by an officer who is not at the top rank in the German Air Force, and the inferences that can be drawn from it should therefore not be over-emphasized. At least, however, it shows the lines upon which the General Staff of the Air Force were thinking at that time.

On the 26 August 1938, when Ribbentrop had become Foreign Minister succeeding von Neurath, a document was addressed to him as "The Reich Minister, via the State Secretary." The document reads as follows:

> "The most pressing problem of German policy, the Czech problem, might easily, but must not lead to a conflict with the Entente. Neither France nor England are looking for trouble regarding Czechoslovakia. Both would perhaps leave Czechoslovakia to herself, if she should, without direct foreign interference and through internal signs of disintegration, due to her own faults, suffer the fate she deserves. This process, however, would have to take place step by step and would have to lead to a loss of power in the remaining territory by means of a plebiscite and an annexation of territory.
>
> "The Czech problem is not yet politically acute enough for any immediate action, which the Entente would watch inactively, and not even if this action should come quickly and

> surprisingly. Germany cannot fix any definite time and this fruit could be plucked without too great a risk. She can only prepare the desired developments.
>
> "For this purpose the slogan emanating from England at present of the right for autonomy of the Sudeten-Germans, which we have intentionally not used up to now, is to be taken up gradually. The international conviction that the choice of nationality was being withheld from these Germans will do useful spadework, notwithstanding the fact that the chemical process of dissolution of the Czech form of states may or may not be finally speeded up by the mechanical means as well. The fate of the actual body of Czechoslovakia, however, would not as yet be clearly decided by this, but would nevertheless be definitely sealed.
>
> "This method of approach towards Czechoslovakia is to be recommended because of our relationship with Poland. It is unavoidable that the German departure from the problems of boundaries in the southeast and their transfer to the east and northeast must make the Poles sit up. The fact [is] that after the liquidation of the Czech question, it will be generally assumed that Poland will be the next in turn.
>
> "But the later this assumption sinks in in international politics as a firm factor, the better. In this sense, however, it is important for the time being, to carry on the German policy, under the well known and proved slogans of 'the right to autonomy' and 'Racial unity'. Anything else might be interpreted as pure imperialism on our part and create the resistance to our plan by the Entente at an earlier date and more energetically, than our forces could stand up to." (*TC–76*)

That was on 26 August 1938, just as the Czech crisis was leading up to the Munich settlement. While at Munich, a day or two before the Munich agreement was signed, Herr Hitler made a speech. On 26 September he said:

> "I assured him, moreover, and I repeat it here, that when this problem is solved there will be no more territorial problems for Germany in Europe." (*TC–29*)

A letter from Admiral Carl, dated some time in September, with no precise date, and entitled "Opinion on the 'Draft Study of Naval Warfare against England'," stated as follows:

> "There is full agreement with the main theme of the study."

* * * * * * *

> "If according to the Fuehrer's decision Germany is to acquire a position as a world power who needs not only sufficient

> colonial possessions but also secure naval communications and secure access to the ocean." (*C–23*)

That, then, was the position at the time of the Munich agreement in September 1938. The gains of Munich were not, of course, so great as the Nazi Government had hoped and intended. As a result, the conspirators were not prepared straight away to start any further aggressive action against Poland or elsewhere. But with the advantages that were gained by the seizure of Czechoslovakia, it is obvious now that they intended and had taken the decision to proceed against Poland so soon as Czechoslovakia had been entirely occupied. As Jodl and Hitler said on subsequent occasions, Czechoslovakia was only setting the stage for the attack on Poland.

It is known now from what Hitler said in talking to his military commanders at a later date, that, in his own words, from the first he never intended to abide by the Munich agreement, but that he had to have the whole of Czechoslovakia. As a result, although not ready to proceed in full force against Poland, after September 1938 they did at once begin to approach the Poles on the question of Danzig until the whole of Czechoslovakia had been taken in March. Immediately after the Sudetenland had been occupied, preliminary steps were taken to stir up trouble with Poland, which would and was to eventually lead to the Nazi excuse or justification for their attack on that country.

The earlier discussions between the German and Polish governments on the question of Danzig, which commenced almost immediately after the Munich crisis in September 1938, began as cautious and friendly discussions, until the remainder of Czechoslovakia had finally been seized in March of the following year. A document taken from the Official Polish White Book, gives an account of a luncheon which took place at the Grand Hotel, Berchtesgaden, on 25 October, where Ribbentrop had discussions with M. Lipski, the Polish ambassador to Germany. The report states:

> "In a conversation on 24 October, over a luncheon at the Grand Hotel, Berchtesgaden, at which M. Hewel was present, M. von Ribbentrop put forward a proposal for a general settlement of issues (*Gesamtloesung*) between Poland and Germany. This included the reunion of Danzig with the Reich, while Poland would be assured the retention of railway and economic facilities there. Poland would agree to the building of an extra-territorial motor road and railway line across Pomorze. In exchange M. von Ribbentrop mentioned the possibility of an extension of the Polish-German Agreement

> by twenty-five years and a guarantee of Polish-German frontiers."
>
> * * * * * * *
>
> "Finally, I said that I wished to warn M. von Ribbentrop that I could see no possibility of an agreement involving the reunion of the Free City with the Reich. I concluded by promising to communicate the substance of this conversation to you." (*TC–73 No. 44*)

It seems clear that the whole question of Danzig, as indeed Hitler himself said, was no question at all. Danzig was raised simply as an excuse, a justification, not for the seizure of Danzig but for the invasion and seizure of the whole of Poland. As the story unfolds it will become ever more apparent that that is what the Nazi conspirators were really aiming at, only providing themselves with some kind of crisis which would afford some kind of justification for attacking Poland.

Another document taken from the Polish White Book (*TC–73 No. 45*) sets out the instructions that Mr. Beck, the Polish Foreign Minister, gave to Mr. Lipski to hand to the German government in reply to the suggestions put forward by Ribbentrop at Berchtesgaden on 24 October. The first part reviews the history of Polish-German relationship and emphasizes the needs of Poland in respect to Danzig. Paragraph 6 of the document states:

> "In the circumstances, in the understanding of the Polish government, the Danzig question is governed by two factors: the right of the German population of the city and the surrounding villages to freedom of life and development; and the fact that in all matters appertaining to the Free City as a port it is connected with Poland. Apart from the national character of the majority of the population, everything in Danzig is definitely bound up with Poland." (*TC–73 No. 45*)

The document then sets out the guarantees to Poland under the statute, and continues as follows:

> "Taking all the foregoing factors into consideration, and desiring to achieve the stabilization of relations by way of a friendly understanding with the government of the German Reich, the Polish government proposes the replacement of the League of Nations guarantee and its prerogatives by a bi-lateral Polish-German Agreement. This agreement should guarantee the existence of the Free City of Danzig so as to assure freedom of national and cultural life to its German majority, and also should guarantee all Polish rights. Notwithstanding the complications involved in such a system, the Polish government must state that any other solution,

> and in particular any attempt to incorporate the Free City into the Reich, must inevitably lead to a conflict. This would not only take the form of local difficulties, but also would suspend all possibility of Polish-German understanding in all its aspects.
>
> "In face of the weight and cogency of these questions, I am ready to have final conversations personally with the governing circles of the Reich. I deem it necessary, however, that you should first present the principles to which we adhere, so that my eventual contact should not end in a breakdown, which would be dangerous for the future." (*TC–73 No. 45*)

The first stage in those negotiations had been entirely successful from the German point of view. The Nazis had put forward a proposal, the return of the City of Danzig to the Reich, which they might well have known would have been unacceptable. It was unacceptable and the Polish government had warned the Nazi government that it would be. The Poles had offered to enter into negotiations, but they had not agreed, which is exactly what the German government had hoped for. They had not agreed to the return of Danzig to the Reich. The first stage in producing the crisis had been accomplished.

Shortly afterwards, within a week or so, and after the Polish government had offered to enter into discussions with the German government, another top secret order was issued by the Supreme Command of the Armed Forces, signed by Keitel (*C–137*). Copies went to the OKH, OKM, and OKW. The order is headed "First Supplement to Instruction dated 21 October 1938," and reads:

> "The Fuehrer has ordered: Apart from the three contingencies mentioned in the instructions of 21 October 1938, preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise.
>
> "The preparations will be made on the following basis: Condition is *quasi-revolutionary* occupation of Danzig, exploiting a politically favorable situation, *not a war against Poland.*" (*C–137*)

The remainder of Czechoslovakia had not yet been seized, and therefore the Nazis were not yet ready to go to war with Poland. But Keitel's order shows how the German government answered the Polish proposal to enter into discussions.

On 5 January 1939 Mr. Beck had a conversation with Hitler. (*TC–73 No. 48*). Ribbentrop was also present. In the first part of that conversation, of which that document is an account, Hitler offered to answer any questions. He said he had always followed the policy laid down by the 1934 agreement. He discussed the question of Danzig and emphasized that in the German view it must sooner or later return to Germany. The conversation continued:

> "Mr. Beck replied that the Danzig question was a very difficult problem. He added that in the Chancellor's suggestion he did not see any equivalent for Poland, and that the whole of Polish opinion, and not only people thinking politically but the widest spheres of Polish society, were particularly sensitive on this matter.
>
> "In answer to this the Chancellor stated that to solve this problem it would be necessary to try to find something quite new, some new form, for which he used the term *'Korperschaft,'* which on the one hand would safeguard the interests of the German population, and on the other the Polish interests. In addition, the Chancellor declared that the Minister could be quite at ease, there would be no faits accomplis in Danzig and nothing would be done to render difficult the situation of the Polish Government." (*TC–73 No. 48*)

It will be recalled that in the previous document discussed (*C–137*) orders had already been issued for preparations to be made for the occupation of Danzig by surprise. Yet some six weeks later Hitler assured the Polish Foreign Minister that there would be no fait accompli and that he should be quite at his ease.

On the day after the conversation between Beck and Hitler, Beck and Ribbentrop conferred, as follows:

> "Mr. Beck asked M. Von Ribbentrop to inform the Chancellor that whereas previously, after all his conversations and contacts with German statesmen, he had been feeling optimistic, today for the first time he was in a pessimistic mood. Particularly in regard to the Danzig question, as it had been raised by the Chancellor, he saw no possibility whatever of agreement."
>
> * * * * * * *
>
> "In answer M. Von Ribbentrop once more emphasized that Germany was not seeking any violent solution. The basis of their policy towards Poland was still a desire for the further building up of friendly relations. It was necessary to seek such a method of clearing away the difficulties as would respect the rights and interests of the two parties concerned." (*TC–73 No. 49*)

Ribbentrop apparently was not satisfied with that one expression of good faith. On the 25th of the same month, January 1939, he was in Warsaw and made another speech, of which the following is a pertinent extract:

> "In accordance with the resolute will of the German National Leader, the continual progress and consolidation of friendly relations between Germany and Poland, based upon the existing agreement between us, constitute an essential element in German foreign policy. The political foresight, and the principles worthy of true statesmanship, which induced both sides to take the momentous decision of 1934, provide a guarantee that all other problems arising in the course of the future evolution of events will also be solved in the same spirit, with due regard to the respect and understanding of the rightful interests of both sides. Thus Poland and Germany can look forward to the future with full confidence in the solid basis of their mutual relations." (*2530–PS*)

Hitler spoke in the Reichstag on 30 January 1939, and gave further assurances of the good faith of the German Government. (*TC–73 No. 57*)

In March 1939 the remainder of Czechoslovakia was seized and the Protectorate of Bohemia and Moravia was set up. That seizure, as was recognized by Hitler and Jodl, had immensely strengthened the German position against Poland. Within a week of the completion of the occupation of Czechoslovakia heat was beginning to be applied on Poland.

On 21 March M. Lipski, the Polish ambassador, saw Ribbentrop. The nature of the conversation was generally very much sharper than that of the discussion between Ribbentrop and Beck a little time back at the Grand Hotel, Berchtesgaden:

> "I saw M. Von Ribbentrop today. He began by saying he had asked me to call on him in order to discuss Polish-German relations in their entirety.
>
> "He complained about our Press, and the Warsaw students' demonstrations during Count Ciano's visit."
>
> * * * * * * *
>
> "Further, M. von Ribbentrop referred to the conversation at Berchtesgaden between you and the Chancellor, in which Hitler put forward the idea of guaranteeing Poland's frontiers in exchange for a motor road and the incorporation of Danzig in the Reich. He said that there had been further conversations between you and him in Warsaw on the subject, and that you had pointed out the great difficulties in the way of accepting these suggestions. He gave me to understand that all this had made an unfavorable impression on the Chancellor, since so far he had received no positive reaction whatever on our part to his suggestions. M. von

> Ribbentrop had had a talk with the Chancellor only yesterday. He stated that the Chancellor was still in favor of good relations with Poland, and had expressed a desire to have a thorough conversation with you on the subject of our mutual relations. M. von Ribbentrop indicated that he was under the impression that difficulties arising between us were also due to some misunderstanding of the Reich's real aims. The problem needed to be considered on a higher plane. In his opinion our two States were dependent on each other."

* * * * * * *

> "I [Lipski] stated that now, during the settlement of the Czechoslovakian question, there was no understanding whatever between us. The Czech issue was already hard enough for the Polish public to swallow, for, despite our disputes with the Czechs they were after all a Slav people. But in regard to Slovakia the position was far worse. I emphasized our community of race, language and religion, and mentioned the help we had given in their achievement of independence. I pointed out our long frontier with Slovakia. I indicated that the Polish man in the street could not understand why the Reich had assumed the protection of Slovakia, that protection being directed against Poland. I said emphatically that this question was a serious blow to our relations.
>
> "Ribbentrop reflected a moment, and then answered that this could be discussed.
>
> "I promised to refer to you the suggestion of a conversation between you and the Chancellor. Ribbentrop remarked that I might go to Warsaw during the next few days to talk over this matter. He advised that the talk should not be delayed, lest the Chancellor should come to the conclusion that Poland was rejecting all his offers.
>
> "Finally, I asked whether he could tell me anythig about his conversation with the Foreign Minister of Lithuania.
>
> "Ribbentrop answered vaguely that he had seen Mr. Urbszys on the latter's return from Rome, and they had discussed the Memel question, which called for a solution." (*TC–73 No. 61*)

That conversation took place on 21 March. The world soon learned what the solution to Memel was. On the next day German armed forces marched in.

As a result of these events, considerable anxiety was growing both in the government of Great Britain and the Polish government, and the two governments therefore had been undertaking conversations between each other. On 31 March, the Prime Minister, Mr. Chamberlain, spoke in the House of Commons. He explained the results of the conversations that had been taking place between the British and Polish Governments:

> "As the House is aware, certain consultations are now proceeding with other governments. In order to make perfectly clear the position of His Majesty's government in the meantime before those consultations are concluded, I now have to inform the House that during that period, in the event of any action which clearly threatened Polish independence, and which the Polish government accordingly considered it vital to resist with their national forces, His Majesty's government would feel themselves bound at once to lend the Polish government all support in their power. They have given the Polish government an assurance to this effect.
>
> "I may add that the French government have authorized me to make it plain that they stand in the same position in this matter as do His Majesty's Government." (*TC–72 No. 17*)

On 6 April, a week later, a formal communique was issued by the Anglo-Polish governments, which repeated the assurance the Prime Minister had given a week before, and in which Poland assured Great Britain of her support should Great Britain be attacked. (*TC–72 No. 18*)

The anxiety and concern that the governments of Poland and Great Britain were feeling at that time appears to have been justified. During the same week, on 3 April, an order, signed by Keitel, emanated from the High Command of the Armed Forces. It is dated Berlin, 3 April 1939. The subject is "Directive for the Armed Forces 1939/40." The order reads:

> "Directive for the uniform preparation of war by the Armed Forces for 1939/40 is being reissued.
>
> "Part I (Frontier Defense) and Part III (Danzig) will be issued in the middle of April. Their basic principles remain unchanged.
>
> "Part II '*Fall Weiss*' [the code name for the operation against Poland] is attached herewith. The signature of the Fuehrer will be appended later.
>
> "The Fuehrer has added the following Directives to '*Fall Weiss*':
>
> "1. Preparations must be made in such a way that the operations can be carried out at any time from 1st September 1939 onwards.

> "2. The High Command of the Armed Forces has been directed to draw up a precise time-table for '*Fall Weiss*' and to arrange by conferences the synchronized timings between the three branches of the armed forces.
>
> "3. The plan of the branches of the Armed Forces and the details for the time-table must be submitted to the OKW by the 1st of May, 1939." (*C–120*)

This order was distributed to the OKH, OKM, and OKW.

Another document, dated 11 April, and signed by Hitler, is annexed. It reads:

> "I shall lay down in a later directive the future tasks of the Armed Forces and the preparations to be made in accordance with these for the conduct of the war.
>
> "Until that directive comes into force, the Armed Forces must be prepared for the following eventualities:
>
> "I. Safeguarding the frontiers of the German Reich, and protection against surprise air attacks.
>
> "II. '*Fall Weiss*'.
>
> "III. The annexation of Danzig.
>
> "Annex IV contains regulations for the exercise of military authority in East Prussia in the event of a warlike development." (*C–120*)

Again, copies of that document went to the OKH, OKM, and OKW. Annex I to this order, which concerns the safeguarding of the frontiers of the German Reich, declares:

> "* * * Legal Basis: It should be anticipated that a state of Defense or State of War, as defined in the Reichdefense law of the 4th of September 1938, will not be declared. All measures and demands necessary for carrying out a mobilization are to be based on the laws valid in peacetime." (*C–120*)

The statement of the Prime Minister in the House of Commons, followed by the Anglo-Polish communique of 6 April, was seized upon by the Nazi government to urge on the crisis which they were developing in Danzig between themselves and Poland.

On 28 April the German government issued a memorandum in which they alleged that the Anglo-Polish declaration was incompatible with the 1934 Agreement between Poland and Germany, and that as a result of entering into or by reason of entering into that agreement, Poland had unilaterally renounced the 1934 agreement. The following are pertinent passages from that memorandum:

> "The German government have taken note of the Polish-

> British declaration regarding the progress and aims of the negotiations recently conducted between Poland and Great Britain. According to this declaration there had been concluded between the Polish government and the British government a temporary understanding to be released shortly by a permanent agreement which will provide for the giving of mutual assistance by Poland and Great Britain in the event of the independence of one of the two states being directly or indirectly threatened." (*TC–72 No. 14*)

The memorandum goes on to set out in the next three paragraphs the history of German friendship towards Poland. It continues:

> "* * * The agreement which has now been concluded by the Polish government with the British government is in such obvious contradiction to these solemn declarations of a few months ago that the German government can take note only with surprise and astonishment of such a violent reversal of Polish policy.
>
> "Irrespective of the manner in which its final formulation may be determined by both parties, the new Polish-British agreement is intended as a regular Pact of Alliance, which, by reason of its general sense and of the present state of political relations, is directed exclusively against Germany.
>
> "From the obligation now accepted by the Polish government, it appears that Poland intends, in certain circumstances, to take an active part in any possible German-British conflict, in the event of aggression against Germany, even should this conflict not affect Poland and her interests. This is a direct and open blow against the renunciation of all use of force contained in the 1934 declaration."

* * * * * * *

> "The Polish government, however, by their recent decision to accede to an alliance directed against Germany have given it to be understood that they prefer a promise of help by a third power to the direct guarantee of peace by the German government. In view of this, the German government are obliged to conclude that the Polish government do not at present attach any importance to seeking a solution of German-Polish problems by means of direct, friendly discussion with the German government. The Polish government have thus abandoned the path traced out in 1934 to the shaping of German-Polish relations." (*TC–72 No. 14*)

All this would sound very well, if it had not been for the fact that orders for the invasion of Poland had already been issued and the Armed Forces had been told to draw up a precise timetable.

The memorandum goes on to set out the history of the last negotiations and discussions. It sets out the demands of the 21st which the German government had made for the return of Danzig, the autobahn, and the railway. It mentions the promise by Germany of the twenty-five year guarantee, and continues:

> "The Polish government did not avail themselves of the opportunity offered to them by the German government for a just settlement of the Danzig question; for the final safeguarding of Poland's frontiers with the Reich and thereby for permanent strengthening of the friendly, neighbourly relations between the two countries. The Polish government even rejected German proposals made with this object.
>
> "At the same time the Polish government accepted, with regard to another state, political obligations which are not compatible either with the spirit, the meaning or the text of the German-Polish declaration of the 26 of January, 1934. Thereby, the Polish government arbitrarily and unilaterally rendered this declaration null and void." (*TC–72 No. 14*)

In the last paragraph the German government says, that nevertheless, they are prepared to continue friendly relations with Poland.

On the same day that memorandum was issued, 28 April, Hitler made a speech in the Reichstag, in which he repeated, in effect, the terms of the memorandum. He repeated the demands and offers that Germany made in March, and went on to say that the Polish government have rejected his offer. He expressed his disappointment:

> "I have regretted greatly this incomprehensible attitude of the Polish government. But that alone is not the decisive fact. The worst is that now Poland, like Czechoslovakia, a year ago, believes under the pressure of a lying international campaign, that it must call up troops although Germany, on her part, has not called up a single man and had not thought of proceeding in any way against Poland. As I have said, this is, in itself, very regrettable and posterity will one day decide whether it was really right to refuse the suggestion made this once by me. This, as I have said, was an endeavor on my part to solve a question which intimately affects the German people, by a truly unique compromise and to solve it to the advantage of both countries. According to my conviction, Poland was not a giving party in this solution at all, but only a receiving party, because it should be beyond

> all doubt, that Danzig will never become Polish. The intention to attack on the part of Germany, which was merely invented by the International Press, led, as you know, to the so-called guarantee offer, and to an obligation on the part of the Polish government for mutual assistance. * * *" (*TC–72 No. 13*)

The speech demonstrates how completely dishonest was everything that the German government was saying at that time. Hitler, who may very well have had a copy of the orders for *"Fall Weiss"* in his pocket as he spoke, announced publicly, that the intention to attack by Germany was an invention of "the International Press."

In answer to that memorandum and that speech, the Polish government issued a memorandum on 5 May. It sets out the objectives of the 1934 agreement to renounce the use of force and to carry on friendly relationship between the two countries; to solve difficulties by arbitration and other friendly means. The Polish government states its awareness of the difficulties about Danzig and declares that it has long been ready to carry out discussions. The Polish government sets out again its part of the recent discussions. The Polish government states that it communicated its views to the German government on 26 March, and that it then proposed joint guarantees by the Polish and German governments of the City of Danzig, based on the principles of freedom for the local population in internal affairs. The Poles stated their preparedness to examine the possibilities of a motor road and railway facilities. They received no reply to those proposals. The Polish position is summarized in one sentence:

> "It is clear that negotiations in which one State formulates demands and the other is to be obliged to accept those demands unaltered are not negotiations in the spirit of the declaration of 1934 and are incompatible with the vital interests and dignity of Poland" (*TC–72 No. 16*).

The Polish government proceeds to reject the German accusation that the Anglo-Polish agreement is incompatible with the 1934 German-Polish agreement. It states that Germany herself has entered into similar agreements with other nations, and lastly it announces that it is still willing to entertain a new pact with Germany, should Germany wish to do so. (*TC–72 No. 16*)

The German answer was contained in a letter from the Supreme Commander of the Armed Forces, is signed by Hitler, and dated 10 May (*C–120*). Copies went to the various branches of the OKW, and with them apparently were enclosed "Instructions for the economic war and the protection of our own economy."

Not only were military preparations being carried out throughout these months and weeks, but economic and every other kind of preparation was being made for war at the earliest moment.

This period of preparation, up to May 1939, concluded with the conference in the Reichschancellery on 23 May. The report of this meeting is known as the Schmundt Minutes (*L–79*). In his address to the conference Hitler cried out for *lebensraum* and said that Danzig was not the dispute at all. It was a question of expanding their living room in the east, and he said that the decision had been taken to attack Poland.

Goering, Raeder and Keitel, among many others, were present. The following is a significant paragraph:

> "If there were an alliance of France, England and Russia against Germany, Italy and Japan, I would be constrained to attack England and France with a few annihilating blows. The Fuehrer doubts the possibility of a peaceful settlement with England." (*L–79*)

So that, not only has the decision been taken definitely to attack Poland, but almost equally definitely to attack England and France.

C. *Final Preparations: June-September 1939*

(1) *Final Preparations of the Armed Forces.* A precise timetable for the attack had been called for. On 22 June 1939 it was ready. It provided as follows:

> "The Supreme Command of the Armed Forces has submitted to the Fuehrer and Supreme Commander a 'preliminary timetable' for *'Fall Weiss'* based on the particulars so far available from the Navy, Army and Air Force. Details concerning the days preceding the attack and the start of the attack were not included in this timetable.
>
> "The Fuehrer and the Supreme Commander is, in the main, in agreement with the intentions of the Navy, Army and Air Force and made the following comments on individual points:—
>
> "1. In order not to disquiet the population by calling up reserves on a larger scale than usual for the maneuvers scheduled for 1939, as is intended, civilian establishments, employers or other private persons who make enquiries should be told that men are being called up for the autumn maneuvers and for the exercise units it is intended to form for these maneuvers.
>
> "It is requested that directions to this effect be issued to subordinate establishments." (*C–126*)

All this became relevant later, when the German government made allegations of mobilization on the part of the Poles. This order shows that in June the Germans were mobilizing, only doing so secretly. The order continues:

> "For reasons of security the clearing of hospitals in the area of the frontier which the Supreme Command of the Army proposed should take place from the middle of July, must not be carried out." (*C–126*)

The order is signed by Keitel.

A short letter, dated 2 August, which is attached to that order, reads in part:

> "Attached are Operational Directions for the employment of U-Boats which are to be sent out to the Atlantic, by way of precaution, in the event of the intention to carry out *'Fall Weiss'* remaining unchanged. F.O. U-Boats [Doenitz] is handing in his Operation Orders by 12 August." (*C–126*)

Another letter, dated 27 July, contains orders for the Air and Sea Forces for the occupation of the German Free City of Danzig. It provides:

> "The Fuehrer and Supreme Commander of the Armed Forces has ordered the reunion of the German Free State of Danzig with the Greater German Reich. The Armed Forces must occupy the Danzig Free State immediately in order to protect the German population. There will be no hostile intention on the part of Poland so long as the occupation takes place without the force of arms." (*C–30*)

The letter then sets out how the occupation is to be effected. All this again becomes more relevant in the subsequent discussion of the diplomatic action of the last few days before the war, when Germany was making specious offers for the settlement of the question by peaceful means. This letter is evidence that the decision had been taken, and that nothing would change that decision. During July, right up to the time of the war, steps were being taken to arm the population of Danzig and to prepare them to take part in the coming occupation.

The reports which were coming back almost daily during this period from Mr. Shepherd, British Consul-General in Danzig, to the British Foreign Minister, and published in the British Blue Book, show the kind of thing that was happening. The report dated 1 July 1939 reads as follows:

> "Yesterday morning four German army officers in mufti arrived here by night express from Berlin to organize Danzig *Heimwehr*.
>
> "All approaches to hills and dismantled fort, which consti-

> tute a popular public promenade on western fringe of the city, have been closed with barbed wire and *'verboten'* notices.
>
> "The walls surrounding the shipyards bear placards: 'Comrades keep your mouths shut lest you regret consequence.'
>
> "Master of British steamer 'High Commissioner Wood' whilst he was roving Koenigsberg from 28th June to 30th June, observed considerable military activity, including extensive shipment of camouflaged covered lorries and similar material by small coasting vessels. On 28th June four medium-sized steamers, loaded with troops, lorries, field kitchens, etc., left Koenigsberg, ostensibly returning to Hamburg after maneuvers, but actually proceeding to Stettin." (*TC–71*).

And again, as another example, the report dated 10 July states:

> "The same informant, whom I believe to be reliable, advises me that on 8th July he personally saw about thirty military lorries with East Prussian license numbers on the Bischofsberg, where numerous field kitchens had been placed along the hedges. There were also eight large anti-aircraft guns in position, which he estimated as being of over 3-inch caliber, and three six-barreled light anti-aircraft machine guns. There were about 500 men drilling with rifles, and the whole place is extensively fortified with barbed wire." (*TC–71*).

On 12 and 13 August, when preparations were practically complete, Hitler and Ribbentrop at last disclosed their intentions to their allies, the Italians. It will be recalled that one of the passages in Hitler's speech on 23 May, in regard to the proposed attack on Poland, had said, "Our object must be kept secret even from the Italians and the Japanese." (*L–79*). Now, when the preparations were complete, Hitler disclosed his intentions to his Italian comrades in the hope that they would join him. Ciano was surprised at Hitler's attempt to persuade the Italians to come into the war with him. He had no idea, as he said, of the urgency of the matter, and they are not prepared. He therefore tried to dissuade Hitler from starting off until the Duce could have a little more time to prepare himself. (*TC–77*)

The minutes of that meeting show quite clearly the German intention to attack England and France ultimately, if not at the same time as Poland. In trying to show the strength of Germany and its certainty of winning the war as a means of persuading the Italians to come in, Hitler declared:

> "At sea, England had for the moment no immediate reinforcements in prospect. Some time would elapse before any of the ships now under construction could be taken into

service. As far as the land army was concerned, after the introduction of conscription 60,000 men had been called to the colors. If England kept the necessary troops in her own country she could send to France, at the most, two infantry divisions and one armored division. For the rest she could supply a few bomber squadrons but hardly any fighters since, at the outbreak of war, the German Air Force would at once attack England and the English fighters would be urgently needed for the defense of their own country.

"With regard to the position of France, the Fuehrer said that in the event of a general war, after the destruction of Poland—which would not take long—Germany would be in a position to assemble hundreds of divisions along the West Wall and France would then be compelled to concentrate all her available forces from the Colonies, from the Italian frontier and elsewhere on her own Maginot Line, for the life and death struggle which would then ensue. The Fuehrer also thought that the French would find it no easier to overrun the Italian fortifications than to overrun the West Wall. Here Count Ciano showed signs of extreme doubt. The Polish Army was most uneven in quality. Together with a few parade divisions, there were large numbers of troops of less value. Poland was very weak in anti-tank and anti-aircraft defense and at the moment neither France nor England could help her in this respect.

"If, however, Poland were given assistance by the Western powers, over a longer period, she could obtain these weapons and German superiority would thereby be diminished. In contrast to the fanatics of Warsaw and Cracow, the population of their areas was different. Furthermore, it was necessary to consider the position of the Polish State. Out of 34 million inhabitants, one and one-half million were German, about four million were Jews, and nine million Ukrainians, so that genuine Poles were much less in number than the total population and, as already said, their striking power was not to be valued highly. In these circumstances Poland could be struck to the ground by Germany in the shortest time.

"Since the Poles, through their whole attitude, had made it clear that in any case in the event of a conflict they would stand on the side of the enemies of Germany and Italy, a quick liquidation at the present moment could only be of advantage for the unavoidable conflict with the Western Democracies. If a hostile Poland remained on Germany's

> eastern frontier, not only would the eleven East Prussian divisions be tied down, but also further contingents would be kept in Pomerania and Silesia. This would not be necessary in the event of a previous liquidation."

* * * * * * *

> "Coming back to the Danzig question, the Fuehrer said that it was impossible for him now to go back. He had made an agreement with Italy for the withdrawal of the Germans from South Tyrol, but for this reason he must take the greatest care to avoid giving the impression that this Tyrolese withdrawal could be taken as a precedent for other areas. Furthermore, he had justified the withdrawal by pointing to a general easterly and northeasterly direction of a German policy. The east and northeast, that is to say the Baltic countries, had been Germany's undisputed sphere of influence since time immemorial, as the Mediterranean had been an appropriate sphere for Italy. For economic reasons also, Germany needed the foodstuffs and timber from these eastern regions." (*TC–77*)

Now the truth of this matter appears. It is not the persecution of German minorities on the Polish frontiers, but economic reasons—the need for foodstuffs and timber from Poland. The minutes of the Italo-German meeting continue:

> "In the case of Danzig, German interests were not only material, although the city had the greatest harbour in the Baltic. Danzig was a Nurnberg of the North, an ancient German city awakening sentimental feelings for every German, and the Fuehrer was bound to take account of this psychological element in public opinion. To make a comparison with Italy, Count Ciano should suppose that Trieste was in Yugoslav hands and that a large Italian minority was being treated brutally on Yugoslav soil. It would be difficult to assume that Italy would long remain quiet over anything of this kind.
>
> "Count Ciano, in replying to the Fuehrer's statement, first expressed the great surprise on the Italian side over the completely unexpected seriousness of the position. Neither in the conversations in Milan nor in those which took place during his Berlin visit had there been any sign from the German side that the position with regard to Poland was so serious. On the contrary, Ribbentrop had said that in his opinion the Danzig question would be settled in the course of time. On these grounds, the Duce, in view of his conviction that a conflict with the Western Powers was unavoidable, had assumed

> that he should make his preparations for this event; he had made plans for a period of two or three years. If immediate conflict were unavoidable, the Duce, as he had told Ciano, would certainly stand on the German side, but for various reasons he would welcome the postponement of a general conflict until a later time.
>
> "Ciano then showed, with the aid of a map, the position of Italy in the event of a general war. Italy believed that a conflict with Poland would not be limited to that country but would develop into a general European war." (*TC–77*)

Thereafter, Ciano tried to dissuade Hitler from any immediate action. He argued further:

> "For these reasons the Duce insisted that the Axis Powers should make a gesture which would reassure people of the peaceful intentions of Italy and Germany." (*TC–77*)

The Fuehrer's answer was clear:

> "The Fuehrer answered that for a solution of the Polish problem no time should be lost; the longer one waited until the autumn, the more difficult would military operations in Eastern Europe become. From the middle of September, weather conditions made air operations hardly possible in these areas, while the condition of the roads, which were quickly turned into a morass by the autumn rains, would be such as to make them impossible for motorized forces. From September to May, Poland was a great marsh and entirely unsuited for any kind of military operations. Poland could, however, occupy Danzig in September and Germany would not be able to do anything about it since they obviously could not bombard or destroy the place." (*TC–77*)

The Germans could not possibly bombard or destroy any place such as Danzig where there happened to be Germans living. The discussion continued:

> "Ciano asked how soon, according to the Fuehrer's view, the Danzig question must be settled. The Fuehrer answered that this settlement must be made one way or another by the end of August. To the question of Ciano's as to what solution the Fuehrer proposed, Hitler answered that Poland must give up political control of Danzig, but that Polish economic interests would obviously be reserved and that Polish general behavior must contribute to a general lessening of the tension. He doubted whether Poland was ready to accept this solution since, up to the present, the German proposals had been refused. The Fuehrer had made this proposal personally to Beck at his visit to Obersalzberg. They were ex-

> tremely favorable to Poland. In return for the political surrender of Danzig, under a complete guarantee of Polish interests and the establishment of a connection between East Prussia and the Reich, Germany would have given a frontier guarantee, a 25-year pact of friendship and the participation of Poland in influence over Slovakia. Beck had received the proposal with the remark that he was willing to examine it. The plain refusal of it came only as a result of English intervention. The general Polish aims could be seen clearly from the press. They wanted the whole of East Prussia, and even proposed to advance to Berlin." (*TC–77)*

The meeting was held over that night, and it continued on the following day:

> "The Fuehrer had therefore come to two definite conclusions: (1) in the event of any further provocation, he would immediately attack; (2) if Poland did not clearly and plainly state her political intention, she must be forced to do so."

* * * * * * *

> "As matters now stand, Germany and Italy would simply not exist further in the world through lack of space; not only was there no more space, but existing space was completely blockaded by its present possessors; they sat like misers with their heaps of gold and deluded themselves about their riches. The Western Democracies were dominated by the desire to rule the world and would not regard Germany and Italy as their class. This psychological element of contempt was perhaps the worst thing about the whole business. It could only be settled by a life and death struggle which the two Axis partners could meet more easily because their interests did not clash on any point.
>
> "The Mediterranean was obviously the most ancient domain for which Italy had a claim to predominance. The Duce himself had summed up the position to him in the words that Italy already was the dominant power in the Mediterranean. On the other hand, the Fuehrer said that Germany must take the old German road eastwards and that this road was also desirable for economic reasons, and that Italy had geographical and historical claims to permanency in the Mediterranean. Bismarck had recognized it and had said as much in his well-known letter to Mazzini. The interests of Germany and Italy went in quite different directions and there never could be a conflict between them.
>
> "Ribbentrop added that if the two problems mentioned in yesterday's conversations were settled, Italy and Germany

would have their backs free for work against the West. The Fuehrer said that Poland must be struck down so that for 50 years she would be incapable of fighting. In such a case, matters in the West could be settled.

"Ciano thanked the Fuehrer for his extremely clear explanation of the situation. He had, on his side, nothing to add and would give the Duce full details. He asked for more definite information on one point in order that the Duce might have all the facts before him. The Duce might indeed have to make no decision because the Fuehrer believed that the conflict with Poland could be localized on the basis of long experience. He—Ciano—quite saw that so far the Fuehrer had always been right in his judgment of the position. If, however, Mussolini had no decision to make, he had to take certain measures of precaution, and therefore Ciano would put the following question:

"The Fuehrer had mentioned two conditions under which he would take Poland (1) if Poland were guilty of serious provocation, and (2) if Poland did not make her political position clear. The first of these conditions depended on the decision of the Fuehrer, and German reaction could follow it in a moment. The second condition required certain decisions as to time. Ciano therefore asked what was the date by which Poland must have satisfied Germany about her political condition. He realized that this date depended upon climatic conditions.

"The Fuehrer answered that the decision of Poland must be made clear at the latest by the end of August. Since, however, the decisive part of military operations against Poland could be carried out within a period of 14 days and the final liquidation would need another four weeks, it could be finished at the end of September or the beginning of October. These could be regarded as the dates. It followed, therefore, that the last dates on which he could begin to take action was the end of August.

"Finally, the Fuehrer assured Ciano that since his youth he had favored German-Italian cooperation, and that no other view was expressed in his books. He had always thought that Germany and Italy were naturally suited for collaboration, since there were no conflicts of interest between them. He was personally fortunate to live at a time in which, apart from himself, there was one other statesman who would stand out great and unique in history; that he could be this man's friend was for him a matter of great personal satisfaction, and if the hour of common battle struck, he would always be found on the side of the Duce." (*TC–77*)

(2) *Economic Preparations.* If the military preparations were throughout this period nearing their completion, at the same time the economists had not been idle. A letter dated 25 August 1939, from Funk to the Feuhrer, reads:

> "My Fuehrer!
>
> "I thank you sincerely and heartily for your most friendly and kind wishes on the occasion of my birthday. How happy and how grateful to you we ought to be for being granted the favor of experiencing these overwhelmingly great and world-changing times and taking part in the mighty events of these days.
>
> "The information given to me by Field Marshal Goering, that you, my Fuehrer, yesterday evening approved in principle the measures prepared by me for financing the war and for shaping the relationship between wages and prices and for carrying through emergency sacrifices, made me deeply happy. I hereby report to you with all respect that I have succeeded by means of precautions taken during the last few months, in making the Reichsbank internally so strong and externally so unassailable, that even the most serious shocks in the international money and credit market cannot affect us in the least. In the meantime I have quite inconspicuously changed into gold all the assets of the Reichsbank and of the whole of German economy abroad which it was possible to lay hands on. Under the proposals I have prepared for a ruthless elimination of all consumption which is not of vital importance and of all public expenditure and public works which are not of importance for the war effort, we will be in a position to cope with all demands on finance and economy, without any serious shocks. I have considered it my duty as the General Plenipotentiary for Economy appointed by you to make this report and solemn promise to you, my Fuehrer.
>
> "Heil my Fuehrer /signed/ Walter Funk." (*699–PS*)

It is difficult in view of that letter to see how Funk can claim that he did not know of the preparations and of the intentions of the German government to wage war.

(3) *The Obersalzburg Speech.* On 22 August 1939, Hitler addressed his commanders in chief at Obersalzburg. (*1014–PS*). At this date preparations were complete. In the course of his speech Hitler declared:

> "Everybody shall have to make a point of it that we were determined from the beginning to fight the Western powers."
>
> *　*　*　*　*　*　*
>
> "Destruction of Poland in the foreground. The aim is elimination of living forces, not the arrival at a certain line. Even if war should break out in the West, the destruction of Poland shall be the primary objective."
>
> *　*　*　*　*　*　*
>
> "I shall give a propagandistic cause for starting the war—never mind whether it be plausible or not. The victor shall not be asked later on whether we told the truth or not. In starting and making a war, not the Right is what matters but Victory."
>
> *　*　*　*　*　*　*
>
> "It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East." (*1014–PS*)

These passages emphasize the intention of the Nazi government not only to conquer Poland but ultimately, in any event, to wage aggressive war against the Western Democracies.

In another significant passage, Hitler stated:

> "We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some *Schweinehund* will make a proposal for mediation.
>
> "The political arm is set farther. A beginning has been made for the destruction of England's hegemony. The way is open for the soldier, after I have made the political preparations."
>
> *　*　*　*　*　*　*
>
> "Goering answers with thanks to the Fuehrer and the assurance that the armed forces will do their duty." (*798–PS*)

(4*) Diplomatic Preparations: Provoking the Crisis.* On 23 August 1939, the Danzig Senate passed a decree whereby Gauleiter Forster was appointed head of the State of the Free City of Danzig, a position which did not exist under the statute setting up the constitution of the Free City. (*TC–72 No. 62*). That event was, of course, aimed at stirring up feeling in the Free City at that time.

At the same time, frontier incidents were being manufactured by the Nazi Government with the aid of the SS. The affidavit of General Lahousen (*Affidavit A*) refers to the provision of

Polish uniforms to the SS Forces for these purposes, so that dead Poles could be found lying about on the German side of the frontier. Three short reports found in the British Blue Book corroborate this affidavit. They are reports from the British ambassador in Warsaw.

The first of them is dated 26 August, and reads:

> "Series of incidents again occurred yesterday on German frontier.
>
> "Polish patrol met party Germans one kilometre from East Prussian frontier near Pelta. Germans opened fire. Polish patrol replied, killing leader, whose body is being returned.
>
> "German bands also crossed Silesian frontier near Szczyglo, twice near Rybnik and twice elsewhere, firing shots and attacking blockhouses and customs posts with machine guns and hand grenades. Poles have protested vigorously to Berlin.
>
> "*Gazeta Polska,* in inspired leader, today says these are more than incidents. They are clearly prepared acts of aggression of para-military disciplined detachments supplied with regular army's arms, and in one case it was a regular army detachment. Attacks more or less continuous.
>
> "These incidents did not cause Poland to forsake calm and strong attitude of defence. Facts spoke for themselves and acts of aggression came from German side. This was best answer to ravings of German press.
>
> "Ministry for Foreign Affairs state uniformed German detachment has since shot Pole across frontier and wounded another." (*TC–72 No. 53*)

The next report is dated the same date, 26 August and reads:

> "Ministry for Foreign Affairs categorically deny story recounted by Herr Hitler to French Ambassador that twenty-four Germans were recently killed at Lodz and eight at Bielsko. Story is without any foundation whatever." (*TC–72 No. 54*)

The report of the next day, 27 August, reads as follows:

> "So far as I can judge, German allegations of mass ill-treatment of German minority by Polish authorities are gross exaggeration, if not complete falsification.
>
> "2. There is no sign of any loss of control of situation by Polish civil authorities. Warsaw, and so far as I can ascertain, the rest of Poland is still completely calm.
>
> "3. Such allegations are reminiscent of Nazi propaganda methods regarding Czechoslovakia last year.

> "4. In any case it is purely and simply deliberate German provocation in accordance with fixed policy that has since March [when the rest of Czechoslovakia was seized] exacerbated feeling between the two nationalities. I suppose this has been done with object (a) creating war spirit in Germany (b) impressing public opinion abroad (c) provoking either defeatism or apparent aggression in Poland.
>
> "5. It has signally failed to achieve either of the two latter objects.
>
> "6. It is noteworthy that Danzig was hardly mentioned by Herr Hitler.
>
> "7. German treatment of Czech Jews and Polish minority is apparently negligible factor compared with alleged sufferings of Germans in Poland where, be it noted, they do not amount to more than 10 per cent of population in any commune.
>
> "8. In face of these facts it can hardly be doubted that, if Herr Hitler decided on war, it is for the sole purpose of destroying Polish independence.
>
> "9. I shall lose no opportunity of impressing on Minister for Foreign Affairs necessity of doing everything possible to prove that Herr Hitler's allegations regarding German minority are false." (*TC–72 No. 55*)

Further corroboration of General Lahousen's affidavit is contained in a memorandum of a conversation between the writer and Keitel. That conversation with Keitel took place on 17 August, and went as follows:

> "I reported my conference with Jost to Keitel. He said that he would not pay any attention to this action, as the Fuehrer had not informed him, and had only let him know that we were to furnish Heydrich with Polish uniforms. He agrees that I instruct the General Staff. He says that he does not think much of actions of this kind. However, there is nothing else to be done if they have been ordered by the Fuehrer, that he could not ask the Fuehrer how he had planned the execution of this special action. In regard to Dirschau, he has decided that this action would be executed only by the Army." (*795–PS*)

That was the position at the end of the third week in August 1939. On 22 August the Russian-German Non-aggression Pact was signed in Moscow. The orders to invade Poland were given immediately after the signing of that treaty, and the H-hour was actually to be in the early morning of 25 of August.

(5) *Pleas for peace.* On the same date, 22 August, news reached England that the German-Russian agreement was being signed. The significance of that pact from a military point of view as to Germany was obvious, and the British government immediately made their position clear in one last hope, that the German government might possibly think better. The Prime Minister wrote to Hitler as follows:

> "Your Excellency.
>
> "Your Excellency will have already heard of certain measures taken by His Majesty's Government, and announced in the press and on the wireless this evening.
>
> "These steps have, in the opinion of His Majesty's Government, been rendered necessary by the military movements which have been reported from Germany, and by the fact that apparently the announcement of a German-Soviet Agreement is taken in some quarters in Berlin to indicate that intervention by Great Britain on behalf of Poland is no longer a contingency that need be reckoned with. No greater mistake could be made. Whatever may prove to be the nature of the German-Soviet Agreement, it can not alter Great Britain's obligation to Poland, which His Majesty's Government have stated in public repeatedly and plainly, and which they are determined to fulfill.
>
> "It has been alleged that, if His Majesty's Government had made their position clear in 1914, the great catastrophe would have been avoided. Whether or not there is any force in that allegation, His Majesty's Government are resolved that on this occasion there shall be no such tragic misunderstanding.
>
> "If the case should arise, they are resolved, and prepared, to employ without delay all the forces at their command, and it is impossible to foresee the end of hostilities once engaged. It would be a dangerous illusion to think that, if war once starts, it will come to an early end even if a success on any one of the several fronts on which it will be engaged should have been secured." (*TC–72 No. 56*).

The Prime Minister therefore urged the German government to try to solve the difficulty without recourse to the use of force. He suggested that a truce should be declared while direct discussions beween the two governments, Polish and German, might take place. Prime Minister Chamberlain concluded:

> "At this moment I confess I can see no other way to avoid a catastrophe that will involve Europe in war. In view of the grave consequences to humanity, which may follow from the

> action of their rulers, I trust that Your Excellency will weigh with the utmost deliberation the considerations which I have put before you." (*TC–72 No. 56*).

On the following day, 23 August, Hitler replied to Prime Minister Chamberlain. He started off by saying that Germany has always sought England's friendship, and went on to say that Germany, "like every other State, possesses certain definite interests which it is impossible to renounce." The letter continued as follows:

> "Germany was prepared to settle the questions of Danzig, and of the Corridor by the method of negotiation on the basis of a proposal of truly unparalleled magnanimity. The allegations disseminated by England regarding a German mobilization against Poland, the assertion of aggressive designs towards Roumania, Hungary, etc., as well as the so-called guarantee declarations, which were subsequently given, had, however, dispelled Polish inclination to negotiate on a basis of this kind which would have been tolerable for Germany also.
>
> "The unconditional assurance given by England to Poland that she would render assistance to that country in all circumstances regardless of the causes from which a conflict might spring, could only be interpreted in that country as an encouragement thenceforward to unloosen, under cover of such a charter, a wave of appalling terrorism against the one and a half million German inhabitants living in Poland.
>
> "The atrocities which then have been taking place in that country are terrible for the victims, but intolerable for a great power such as the German Reich, which is expected to remain a passive onlooker during these happenings. Poland has been guilty of numerous breaches of her legal obligations towards the Free City of Danzig, has made demands in the character of ultimata, and has initiated a process of economic strangulation."

* * * * * * *

> "Germany will not tolerate a continuance of the persecution of the Germans."

* * * * * * *

> "The German Reich government has received information to the effect that the British government has the intention to carry out measures of mobilization which, according to the statements contained in your own letter, are clearly directed against Germany alone. This is said to be true of France as well. Since Germany has never had the intention of taking military measures other than those of a defensive character

> against England, or France, and, as has already been emphasized, has never intended, and does not in the future intend, to attack England, or France, it follows that this announcement, as confirmed by you, Mr. Prime Minister, in your own letter, can only refer to a contemplated act of menace directed against the Reich. I, therefore, inform your Excellency that in the event of these military announcements being carried into effect, I shall order immediate mobilization of the German forces."

* * * * * * *

> "The question of the treatment of European problems on a peaceful basis is not a decision which rests on Germany, but primarily on those who since the crime committed by the Versailles dictate have stubbornly and consistently opposed any peaceful revision. Only after a change of spirit on the part of the responsible powers can there be any real change in the relationship between England and Germany. I have all my life fought for Anglo-German friendship; the attitude adopted by British diplomacy—at any rate up to the present—has, however, convinced me of the futility of such an attempt. Should there be any change in this respect in the future, nobody could be happier than I." (*TC–72 No. 60*).

On 25 August the formal Anglo-Polish Agreement of Mutual Assistance was signed in London. Each government undertook to give assistance to the other in the event of aggression against either by any third power. (*TC–73 No. 91*)

A few days later the French Prime Minister Daladier addressed a letter to Hitler, which reads as follows:

> "The French ambassador in Berlin has informed me of your personal communication * * *.
>
> "In the hours in which you speak of the greatest responsibility which two heads of the governments can possibly take upon themselves, namely, that of shedding the blood of two great nations, who long only for peace and work, I feel I owe it to you personally, and to both our peoples to say that the fate of peace still rests in your hands.
>
> "You cannot doubt what are my own feelings towards Germany, nor France's peaceful feelings towards your nation. No Frenchman has done more than myself to strengthen between our two nations not only peace, but also sincere cooperation in their own interests, as well as in those of Europe and of the whole world. Unless you credit the French people with lower sense of honor, than I credit the German Nation with; you cannot doubt that France loyally fulfills her obligations

towards other powers, such as Poland, which as I am fully convinced, wants to live in peace with Germany.

"These two convictions are fully compatible.

"Till now there has been nothing to prevent a peaceful solution of the international crisis, with all honor and dignity for all nations, if the same will for peace exists on all sides.

"Together with the good will of France I proclaim that of all her allies. I take it upon myself to guarantee Poland's readiness, which she has always shown to submit to the mutual application of a method of open settlement, as it can be imagined between the governments of two sovereign nations. With the clearest conscience I can assure you that among the differences which have arisen between Germany and Poland over the question of Danzig, there is not one which could not be submitted to such a method, the purpose of reaching a peaceful and just solution.

"Moreover, I can declare on my honor that there is nothing in France's clear and loyal solidarity with Poland and her allies, which could in any way prejudice the peaceful attitude of my country. This solidarity has never prevented us, and does not prevent us today, from keeping Poland in the same friendly state of mind.

"In so serious an hour, I sincerely believe that no high-minded human being could understand it, if a war of destruction was started without a last attempt being made to reach a peaceful settlement between Germany and Poland. Your desire for peace could in all certainty work for this aim, without any prejudice to German honor. I, who desire good harmony between the French and the German people, and who am on the other hand bound to Poland by bonds of friendship, and by a promise, am prepared, as head of the French government, to do everything an upright man can do to bring this attempt to a successful conclusion.

"You and I were in the trenches in the last war. You know, as I do, what horror and condemnation the devastations of that war have left in the conscience of the peoples; without any regard to its outcome. The picture I can see in my mind's eye of your outstanding role as the leader of the German people on the road of peace, towards the fulfillment of its task in the common work of civilization, leads me to ask for a reply to this suggestion.

"If French and German blood should be shed again, as it was shed 25 years ago, in a still longer and more murderous war, then each of the two nations will fight, believing in its own

> victory. But the most certain victors will be—destruction and barbarity." (*TC–78*)

On 27 August Hitler replied to M. Daladier's letter of 26 August. The sense of it was very much the same as that which he wrote to the British Prime Minister in answer to the letter which he had received from him earlier in the week. (*TC–79*)

After the letters from Chamberlain and Daladier, the German Government could no longer be in any doubt as to the position of both the British and French Governments in the event of German aggression against Poland. But the pleas for peace did not end there. On 24 August President Roosevelt wrote to both Hitler and to the President of the Polish Republic (*TC–72 No. 124*). His letter stated in part:

> "In the message which I sent to you on the 14th April, I stated that it appeared to me that the leaders of great nations had it in their power to liberate their peoples from the disaster that impended, but that unless the effort were immediately made with good will on all sides to find a peaceful and constructive solution to existing controversies, the crisis which the world was confronting must end in catastrophe. Today that catastrophe appears to be very near at hand indeed.
>
> "To the message which I sent you last April I have received no reply, but because my confident belief that the cause of world peace—which is the cause of humanity itself—rises above all other considerations, I am again addressing myself to you, with the hope that the war which impends and the consequent disaster to all peoples may yet be averted.
>
> "I therefore urge with all earnestness—and I am likewise urging the President of the Republic of Poland—that the Government of Germany and Poland agree by common accord to refrain from any positive act of hostility for a reasonable stipulated period, and that they agree, likewise by common accord, to solve the controversies which have arisen between them by one of the three following methods:
>
> "First, by direct negotiation;
>
> "Second, by the submission of these controversies to an impartial arbitration in which they can both have confidence; or
>
> "Third, that they agree to the solution of these controversies through the procedure of conciliation." (*TC–72 No. 124*).

Hitler's answer to that letter was the order to his armed forces to invade Poland on the following morning. The reply to Mr.

Roosevelt's letter from the President of the Polish Republic, however, was an acceptance of the offer to settle the differences by any of the peaceful methods suggested. (*TC–72 No. 126*)

On 25 August, no reply having been received from the German Government, President Roosevelt wrote again:

> "I have this hour received from the President of Poland a reply to the message which I addressed to your Excellency and to him last night."

The Polish reply is then set out.

> "Your Excellency has repeatedly publicly stated that the aims and objects sought by the German Reich were just and reasonable.
>
> "In his reply to my message the President of Poland has made it plain that the Polish Government is willing, upon the basis set forth in my message, to agree to solve the controversy which has arisen between the Republic of Poland and the German Reich by direct negotiation or the process of conciliation.
>
> "Countless human lives can yet be saved and hope may still be restored that the nations of the modern world may even now construct the foundation for a peaceful and happier relationship, if you and the Government of the German Reich will agree to the pacific means of settlement accepted by the Government of Poland. All the world prays that Germany, too, will accept." (*TC–72 No. 127*)

But Germany would not accept those proposals, nor would it pay heed to the Pope's appeal on the same date, 24 August (*TC–72 No. 139*). It is an appeal in similar terms. There was yet a further appeal from the Pope on 31 August:

> "The Pope is unwilling to abandon hope that pending negotiations may lead to a just pacific solution such as the whole world continues to pray for." (*TC–72 No. 141*).

Those negotiations, on the last days of August, to which the Pope referred as "pending negotiations", were unhappily, completely bogus negotiations insofar as Germany was concerned. They were put forward simply as an endeavor to dissuade England, either by threat or by bribe, from meeting her obligations to Poland. The final German "offers" were no offers in the accepted sense of the word. There was never any intention behind them of entering into discussions, negotiation, arbitration, or any other form of peaceful settlement with Poland. They were merely an attempt to make it easier to seize and conquer Poland than it would likely be if England and France were to observe the obligations they had undertaken.

(6) *Events of the Last Week in August, 1939.* This was the progress of those last negotiations: On 22 August the German-Soviet Pact was signed. On 24 August, orders were given to the German armies to march the following morning. After those orders had been given, the news apparently reached the German Government that the British and Polish Governments had signed a formal pact of non-aggression and of mutual assistance. Up until that time, the position was that the British Prime Minister had made a statement in the House of Commons and a joint communique had been issued, on 6 April, that the two nations would in fact assist one another if either were attacked; but no formal agreement had been signed.

Now, on 24 August, after the orders to march had been given by Hitler, the news came that such a formal document had been signed. The invasion was thereupon postponed for the sole purpose of making one last effort to keep England and France out of the war—not to cancel the war, but solely to keep England and France out of it. On 25 August, having postponed the invasion, Hitler issued a verbal communique to Sir Neville Henderson, the British ambassador in Berlin, which was a mixture of bribe and threat, and with which he hoped to persuade England to keep out.

On 28 August, Sir Neville Henderson handed the British Government's reply to that communique to Hitler. That reply stressed that the differences ought to be settled by agreement. The British Government put forward the view that Danzig should be guaranteed, and that any agreement reached should be guaranteed by other powers. Whether or not these proposals would have been acceptable or unacceptable to Germany are of no great matter. For once it had been made clear—as it was in the British Government's reply of 28 August—that England would not be put off assisting Poland in the event of German aggression, the German Government had no concern with further negotiation but was concerned only to afford itself some kind of justification and to prevent itself from appearing too blatantly to turn down all the appeals to reason that were being put forward.

On 29 August, at 7:15 p. m. in the evening, Hitler handed to Sir Neville Henderson the German Government's answer to the British Government's reply of the 28th. It seems quite clear that the whole object of this letter was to put forward something which was quite unacceptable. Hitler agreed to enter into direct conversations as suggested by the British Government, but he demanded that those conversations must be based upon the return to the Reich, of Danzig and also of the whole of the Corridor.

It will be recalled that hitherto, even when he had alleged that Poland had renounced the 1934 agreement, Hitler had put forward as his demands the return of Danzig alone, plus the arrangement for an extra-territorial Autobahn and railroad running through the Corridor to East Prussia. That demand was unacceptable at that time. To make quite certain of refusal, Hitler now demanded the whole of the Corridor. There was no question of an Autobahn or railway. The whole territory must become German.

Even so, to make doubly certain that the offer would not be accepted, Hitler stated: "On those terms I am prepared to enter into discussion, but to do so, as the matter is urgent, I expect a plenipotentiary with full powers from the Polish Government to be here in Berlin by midnight tomorrow night, the 30th of August."

This offer was made at 7:15 p. m. on the evening of the 29th. That offer had to be transmitted, first, to London; and from London to Warsaw; and from Warsaw the Polish Government had to give authority to their Ambassador in Berlin. So that the timing made it quite impossible, if indeed it were possible, to get authority to the Polish Ambassador in Berlin by midnight the following night. It allowed Poland no opportunity for discussing the matters at all. As Sir Neville Henderson described it, the offer amounted to an ultimatum.

At midnight on 30 August, at the time by which the Polish Plenipotentiary was expected to arrive, Sir Neville Henderson handed a further message to Ribbentrop in reply to the message that had been handed to him the previous evening. Ribbentrop read out in German a two- or three-page document which purported to be the German proposal to be discussed at the discussions between them and the Polish Government. He read it out quickly in German. He refused to hand a copy of it to the British Ambassador. He passed no copy of it at all to the Polish Ambassador. So that there was no kind of possible chance of the Poles ever having before them the proposals which Germany was so graciously and magnanimously offering to discuss.

On the following day, 31 August, Mr. Lipski, the Polish Ambassador, saw Ribbentrop, and could get no further than to be asked whether he came with full powers. When he replied that he did not, Ribbentrop said that he would put the position before the Fuehrer. But, in actual fact, it was much too late to put any position to the Fuehrer by that time, because on 31 August Hitler had already issued his Directive No. 1 for the conduct of war, in which he laid down H-Hour as being a quarter to five the following morning, 1 September. And on the evening of 31 August, at 9 o'clock, the German radio broadcast the proposals which Ribbentrop had read out to Sir Neville Henderson the night before, saying that these were the proposals which had been made for discussion, but that as no Polish Plenipotentiary had arrived to discuss them, the German Government assumed that they were turned down. That broadcast at 9 o'clock on the evening of 31 August was the first that the Poles had ever heard of the proposal, and it was the first that the British Government or its representatives in Berlin knew about them, other than what had been heard when Ribbentrop had read them out and refused to give a written copy on the evening of the 30th.

After that broadcast, at 9:15—perhaps while the broadcast was still in its course—a copy of those proposals was handed to Sir Neville Henderson for the first time.

This summary of events during that last week of August 1939 is based upon the contents of several documents which will now be alluded to.

In a pre-trial interrogation on 29 August 1945, Goering was asked the question:

> "When the negotiations of the Polish Foreign Minister in London brought about the Anglo-Polish Treaty at the end of March or the beginning of April, was it not fairly obvious that a peaceful solution was impossible?" (*TC–90*)

This was Goering's answer:

> "Yes, it seemed impossible according to my conviction, but not according to the convictions of the Fuehrer. When it was mentioned to the Fuehrer that England had given her guarantee to Poland, he said that England was also guaranteeing Rumania, but then when the Russians took Bessarabia nothing happened, and this made a big impression on him. I made a mistake here. At this time Poland only had the promise of a guarantee. The guarantee itself was only given shortly before the beginning of the war. On the day when England gave her official guarantee to Poland the Fuehrer called me on the telephone and told me that he had stopped the planned invasion of Poland. I asked him then whether this was just temporary or for good. He said, 'No, I will have to see whether we can eliminate British intervention.' So then I asked him, 'Do you think that it will be any different within four or five days?' At this same time—I don't know whether you know about that, Colonel—I was in connection with Lord Halifax by a special courier outside the regular diplomatic channels to do everything to stop war

> with England. After the guarantee I held an English declaration of war inevitable. I already told him in the Spring of 1939 after occupying Czechoslovakia, I told him that from now on if he tried to solve the Polish question he would have to count on the enmity of England. 1939, that is after the Protectorate." (*TC–90*)

The interrogation of Goering proceeded as follows:

> "Question: 'Is it not a fact that preparations for the campaign against Poland were originally supposed to have been completed by the end of August 1939?'
>
> "Answer: 'Yes.'
>
> "Question: 'And that the final issuance of the order for the campaign against Poland came some time between the 15th and 20th of August 1939 after the signing of the treaty with Soviet Russia." [The dates obviously are wrong].
>
> "Answer: 'Yes, that is true.'
>
> "Question: 'Is it not also a fact that the start of the campaign was ordered for the 25th of August, but on the 24th of August in the afternoon it was postponed until September the 1st in order to await the results of new diplomatic maneuvers with the English Ambassador?'
>
> "Answer: 'Yes.'" (*TC–90*)

In this interrogation Goering purported not to have wanted war with England. It will be recalled, however, that after the speech of Hitler on 22 August to his commanders-in-chief, Goering got up and thanked the Fuehrer for his exhortation and assured him that the armed forces would play their part. (*798–PS*)

Hitler's verbal communique, as it is called in the British Blue Book, which he handed to Sir Neville Henderson on 25 August, after he had heard of the signing of the Anglo-Polish agreement, in an endeavor to keep England from aiding Poland, commences by stating Hitler's desire to make one more effort to prevent war. In the second paragraph he asserts again that Poland's provocations were unbearable:

> "Germany was in all circumstances determined to abolish these Macedonian conditions on her eastern frontier and, what is more, to do so in the interests of quiet and order, but also in the interests of European peace.
>
> "The problem of Danzig and the Corridor must be solved. The British Prime Minister had made a speech which was not in the least calculated to induce any change in the German attitude. At the most, the result of this speech could be a bloody and incalculable war between Germany and England. Such a war would be bloodier than that of 1914

> to 1918. In contrast to the last war, Germany would no longer have to fight on two fronts. Agreement with Russia was unconditional and signified a change in foreign policy of the Reich which would last a very long time. Russia and Germany would never again take up arms against each other. Apart from this, the agreements reached with Russia would also render Germany secure economically for the longest period of war." (*TC–72 No. 68*)

Then comes the bribe.

> "The Fuehrer declared the German-Polish problem must be solved and will be solved. He is however prepared and determined after the solution of this problem to approach England once more with a large, comprehensive offer. He is a man of great decisions, and in this case also he will be capable of being great in his action. And then magnanimously he accepts the British Empire and is ready to pledge himself personally for its continued existence and to place the power of the German Reich at its disposal on condition that his colonial demands, which are limited, should be negotiated by peaceful means. * * *" (*TC– 72 No. 68*)

Again Hitler stressed irrevocable determination never to enter into war with Russia. He concluded as follows:

> "If the British Government would consider these ideas a blessing for Germany and also for the British empire, a peace might result. If it rejects these ideas there will be war. In no case will Great Britain emerge stronger; the last war proved it. The Fuehrer repeats that he himself is a man of ad infinitum decisions by which he is bound, and that this is his last offer." (*TC–72 No. 68*)

The British Government was not of course aware of the real object that lay behind that message, and, taking it at its face value, wrote back on 28 August saying that they were prepared to enter into discussions. They agreed with Hitler that the differences must be settled, as follows:

> "In the opinion of His Majesty's Government a reasonable solution of the differences between Germany and Poland could and should be effected by agreement between the two countries on lines which would include the safeguarding of Poland's essential interests, and they recall that in his speech of the 28th of April the German Chancellor recognized the importance of these interests to Poland.
>
> "But as was stated by the Prime Minister in his letter to the German Chancellor of the 22nd of August, His Majesty's Government consider it essential for the success of the discussions which would precede the agreement that it should be

> understood beforehand that any settlement arrived at would be guaranteed by other powers. His Majesty's Government would be ready if desired to make their contribution to the effective operation of such a guarantee."
>
> * * * * * * *
>
> "His Majesty's Government have said enough to make their own attitude plain in the particular matters at issue between Germany and Poland. They trust that the German Chancellor will not think that, because His Majesty's Government are scrupulous concerning their obligations to Poland, they are not anxious to use all their influence to assist the achievement of a solution which may command itself both to Germany and to Poland." (*TC–72 No. 74*)

That reply knocked the German hopes on the head. The Nazis had failed despite their tricks and their bribes to dissuade England from observing her obligations to Poland, and it was now only a matter of getting out of their embarrassment as quickly as possible and saving face as much as possible.

In his interview with Hitler, Sir Neville Henderson emphasized the British attitude that they were determined in any event to meet their obligations to Poland. The interview concluded as follows:

> "In the end I asked him two straight questions: Was he willing to negotiate direct with the Poles? and Was he ready to discuss the question of any exchange of population? He replied in the affirmative as regards the latter. There I have no doubt that he was thinking at the same time of a rectification of frontiers. As regards to the first, he said he could not give me an answer until after he had given the reply of His Majesty's Government the careful consideration which such a document deserved. In this connection he turned to Ribbentrop and said, 'We must summon Field Marshal Goering to discuss it with him.'" (*TC–72 No. 75*)

The German reply, as outlined before, was handed to Sir Neville Henderson at 7.15 P.M. on 29 August. The reply sets out the suggestion submitted by the British Government in a previous note, and goes on to say that the German Government is prepared to enter into discussion on the basis that the whole of the Corridor as well as Danzig shall be returned to the Reich. The reply continues:

> "The demands of the German Government are in conformity with the revision of the Versailles Treaty in regard to this territory which has always been recognized as being necessary; viz., return of Danzig and the Corridor to Germany, the

> safeguarding of the existence of the German national group in the territories remaining to Poland." (*TC–72 No. 78*)

It is only just now, as I emphasized before, that the right to the Corridor has been "recognized" for so long. On 28 April, Hitler demands consisted only of Danzig, the Autobahn, and the railway. But now Hitler's aim was to manufacture justification and to put forth proposals which under no circumstances could either Poland or Great Britain accept. The note states:

> "The British Government attach importance to two considerations: (1) that the existing danger of an imminent explosion should be eliminated as quickly as possible by direct negotiation, and (2) that the existence of the Polish State, in the form in which it would then continue to exist, should be adequately safeguarded in the economic and political sphere by means of international guarantees.
>
> "On this subject, the German Government makes the following declaration:
>
> "Though skeptical as to the prospects of a successful outcome, they are nevertheless prepared to accept the English proposal and to enter into direct discussions. They do so, as has already been emphasized, solely as the result of the impression made upon them by the written statement received from the British Government that they too desire a pact of friendship in accordance with the general lines indicated to the British Ambassador."

* * * * * * *

> "For the rest, in making these proposals the German Government have never had any intention of touching Poland's vital interests of questioning the existence of an independent Polish State. The German Government, accordingly, in these circumstances agree to accept the British Government's offer of their good offices in securing the despatch to Berlin of a Polish Emissary with full powers. They count on the arrival of this Emissary on Wednesday, the 30th August, 1939.
>
> "The German Government will immediately draw up proposals for a solution acceptable to themselves and will, if possible, place these at the disposal of the British Government before the arrival of the Polish negotiators." (*TC–72 No. 78*)

That was at 7:15 in the evening of 29 August. As previously explained, insufficient time was allowed for the Polish Emissary to reach Berlin by midnight the following night.

Sir Neville Henderson's account of his interview on the evening of 29 August summarizes what took place then:

> "I remarked that this phrase sounded like an ultimatum, but

> after some heated remarks both Herr Hitler and Herr von Ribbentrop assured me that it was only intended to stress urgency of the moment when the two fully mobilized armies were standing face to face." (*TC–72 No. 79*)

Again the British Government replied and Sir Neville Henderson handed this reply to Ribbentrop at the famous meeting on midnight of 30 August, at the time the Polish Emissary had been expected. The reply stated that the British Government reciprocated the desire for improved relations. It stressed again that it cannot sacrifice its interest to other friends in order to obtain an improvement in the situation. It understood that the German Government accepts the condition that the settlement should be subject to international guarantee. The British Government makes a reservation as to the demands that the Germans put forward in their last letter, and is informing the Polish Government immediately. Lastly, the British understand that the German Government is drawing up the proposals. (*TC–72 No. 89*)

Sir Neville Henderson gave this account of that interview at midnight on 30 August:

> "I told Herr von Ribbentrop this evening that His Majesty's Government found it difficult to advise Polish Government to accept procedure adumbrated in German reply, and suggested that he should adopt normal contact, i.e., that when German proposals were ready to invite Polish Ambassador to call and to hand him proposals for transmission to his Government with a view to immediate opening of negotiations. I added that if basis afforded prospect of settlement His Majesty's Government could be counted upon to do their best in Warsaw to temporize negotiations.
>
> "Herr von Ribbentrop's reply was to produce a lengthy document which he read out in German aloud at top speed. Imagining that he would eventually hand it to me I did not attempt to follow too closely the sixteen or more articles which it contained. Though I cannot therefore guarantee accuracy the main points were: * * *"

* * * * * * *

> "When I asked Herr von Ribbentrop for text of these proposals in accordance with undertaking the German reply of yesterday, he asserted that it was now too late as Polish representative had not arrived in Berlin by midnight.
>
> "I observed that to treat matter in this way meant that request for Polish representative to arrive in Berlin on 30th August constituted in fact, an ultimatum in spite of what he and Herr Hitler had assured me yesterday. This he denied,

> saying that idea of an ultimatum was figment of my imagination. Why then I asked could he not adopt normal procedure and give me copy of proposals and ask Polish Ambassador to call on him, just as Herr Hitler had summoned me a few days ago, and hand them to him for communication to Polish Government. In the most violent terms Herr von Ribbentrop said that he would never ask the Ambassador to visit him. He hinted that if Polish Ambassador asked him for interview it might be different. I said that I would naturally inform my Government so at once. Whereupon he said while those were his personal views he would bring all that I had said to Herr Hitler's notice. It was for Chancellor to decide.
>
> "We parted on that note, but I must tell you that Herr von Ribbentrop's demeanor during an unpleasant interview was aping Herr Hitler at his worst. He inveighed incidentally against Polish mobilization, but I retorted that it was hardly surprising since Germany had also mobilized as Herr Hitler himself had admitted to me yesterday." (*TC–72 No. 92*)

Henderson of course did not know at that time that Germany had also given the orders to attack Poland some days before. On the following day, 31 August, at 6:30 in the evening, M. Lipski, the Polish Ambassador, had an interview with Ribbentrop. This is M. Lipski's account of the conversation:

> "I carried out my instructions. M. von Ribbentrop asked if I had special plenipotentiary powers to undertake negotiations. I said no. He then asked whether I had been informed that on London's suggestion the German Government had expressed their readiness to negotiate directly with a delegate of the Polish Government, furnished with the requisite full powers, who was to have arrived on the preceding day, August 30. I replied that I had no direct information on the subject. In conclusion M. von Ribbentrop repeated that he had thought I would be empowered to negotiate. He would communicate my demarche to the Chancellor." (*TC–73 No. 112*)

But it was too late. The orders had already been given on that day to the German Army to invade. A "Most Secret order" signed by Hitler, described as his "Direction No. 1 for the conduct of the war," dated 31 August 1939, reads in part:

> "Now that all the political possibilities of disposing by peaceful means of a situation of the Eastern Frontier which is intolerable for Germany are exhausted, I have determined on a solution by force.
>
> "The attack on Poland is to be carried out in accordance with

> the preparations made for *'Fall Weiss'*, with the alterations which result, where the Army is concerned, from the fact that it has in the meantime almost completed its dispositions.
>
> "Allotment of tasks and the operational target remain unchanged.
>
> "Date of attack—1 September 1939
>
> "Time of attack—04:45 [inserted in red pencil]
>
> "This time also applies to the operation at Gdynia, Bay of Danzig and the Dirschau Bridge.
>
> "In the West it is important that the responsibility for the opening of hostilities should rest unequivocally with England and France. At first purely local action should be taken against insignificant frontier violations." (*C–126*)

That evening, 31 August, at nine o'clock, the German radio broadcast the terms of the German proposals about which they were willing to enter into discussions with the Polish Government. The proposals were set out at length. By this time, neither Sir Neville Henderson nor the Polish Government nor their Ambassador had yet been given their written copy of them. This is a document which seems difficult to explain other than as an exhibition or an example of hypocrisy. The second paragraph states:

> "Further, the German Government pointed out that they felt able to make the basic points regarding the offer of an understanding available to the British Government by the time the Polish negotiator arrived in Berlin."

The manner in which they did that has been shown. The German Broadcast continued, that instead of the arrival of an authorized Polish personage, the first answer the Government of the Reich received to their readiness for an understanding was the news of the Polish mobilization; and that only toward 12 o'clock on the night of 30 August 1939 did they receive a somewhat general assurance of British readiness to help towards the commencement of negotiations. The fact that the Polish negotiator expected by the Reich did not arrive, removed the necessary conditions for informing His Majesty's Government of the views of the German Government as regards the possible basis for negotiation. Since His Majesty's Government themselves had pleaded for direct negotiations between Germany and Poland, the German Minister for Foreign Affairs, Ribbentrop, gave the British Ambassador on the occasion of the presentation of the last British note, precise information as to the text of the German proposals which will be regarded as a basis for negotiation in the event of the arrival of the Polish Plenipotentiary. The Broadcast thereafter went on to set out the Nazi version of the story of the negotiations over the last few days. (*TC-73 No. 113*)

On 1 September, when his armies were already crossing the Polish frontier, Hitler issued this proclamation to his Armed Forces:

> "The Polish Government, unwilling to establish good neighborly relations as aimed at by me, wants to force the issue by way of arms.
>
> "The Germans in Poland are being persecuted with bloody terror and driven from their homes. Several acts of frontier violation which cannot be tolerated by a great power show that Poland is no longer prepared to respect the Reich's frontiers. To put an end to these mad acts I can see no other way but from now onwards to meet force with force.
>
> "The German Armed Forces will with firm determination take up the struggle for the honor and the vital rights of the German people.
>
> "I expect every soldier to be conscious of the high tradition of the eternal German soldierly qualities and to do his duty to the last.
>
> "Remember always and in any circumstances that you are the representatives of National Socialist Greater Germany.
>
> "Long live our people and the Reich." (*TC-54*)

So that at last Hitler had kept his word to his generals. He had afforded them their propagandistic justification, and at that time, anyway, it did not matter what people said about it afterwards.

> "The view shall not appear, asked later on, whether we told the truth or not. Might is what counts—or victory is what counts and not right." (*1014-PS*)

On that day, 1 September, when news came of this invasion of Polish ground, the British Government, in accordance with their treaty obligations, sent an ultimatum to the German Government, in which it stated:

> "I am accordingly to inform your Excellency that unless the German Government are prepared to give His Majesty's Government satisfactory assurances that the German Government have suspended all aggressive action against Poland and are prepared promptly to withdraw their forces from Polish territory, His Majesty's Government in the United Kingdom will without hesitation fulfill their obligations to Poland." (*TC-72 No. 110*)

At 9 o'clock on 3 September the British Government handed a final ultimatum to the German Minister of Foreign Affairs. It read in part:

> "* * * Although this communication was made more than twenty-four hours ago, no reply has been received but German attacks upon Poland have been continued and intensified. I have accordingly the honor to inform you that, unless not later than eleven o'clock, British Summer Time, today 3d September, satisfactory assurances to the above effect have been given by the German Government, and have reached His Majesty's Government in London, a state of war will exist between the two countries as from that hour." (*TC–72 No. 118*)

And so it was that at 11 o'clock on 3 September a state of war existed between Germany and England and between Germany and France. The plans, preparations, intentions, and determination to carry out this assault upon Poland which had been going on for months, for years before, had come to fruition despite all appeals to peace, all appeals to reason. It mattered not what anybody but the German Government had in mind or whatever rights anybody else but the German nation thought they had. If there is any doubt left about this matter, two more documents remain for consideration. Even now, on 3 September, Mussolini offered some chance of peace. At 6:30 hours on 3 September Mussolini sent a telegram to Hitler:

> "The Italian Ambassador handed to the State Secretary at the Duce's order following copy for the Fuehrer and Reich Chancellor and for the Reich Minister for Foreign Affairs:
> "Italy sends the information, leaving, of course, every decision to the Fuehrer, that it still has a chance to call a conference with France, England and Poland on following basis: 1. Armistice which would leave the Army Corps where they are at present. 2. Calling the conference within two or three days. 3. Solution of the Polish-German controversy which would be certainly favorable for Germany as matters stand today.
> "This idea which originated from the Duce has its foremost exponent in France.
> "Danzig is already German and Germany is holding already securities which guarantee most of her demands. Besides, Germany has had already its 'moral satisfaction.' If it would accept the plan for a conference, it will achieve all her aims and at the same time prevent a war which already today has the aspect of being universal and of extremely long duration." (*1831–PS*)

Perhaps even Mussolini did not appreciate what all Germany's aims were, for his offer was turned down in the illuminating letter which Hitler was to write in reply:

"Duce:

"I first want to thank you for your last attempt at mediation. I would have been ready to accept, but only under condition, that there would be a possibility to give me certain guarantees that the conference would be successful. Because, for the last two days the German troops are engaged in an extraordinarily rapid advance in Poland. It would have been impossible to devaluate the bloody sacrifices made thereby by diplomatic intrigues. Nevertheless, I believe that a way could have been found, if England would not have been determined to wage war under all circumstances. I have not given in to the English, because, Duce, I do not believe that peace could have been maintained for more than one-half year or one year. Under these circumstances, I thought that, in spite of everything, the present moment was better for resistance. At present, the superiority of the German armed forces in Poland is so overwhelming in all fields that the Polish Army will collapse in a very short time. I doubt whether this fast success could be achieved in one or two years. England and France would have armed their allies, to such an extent that the crushing technical superiority of the German Armed Forces could not have become so apparent anymore. I am aware, Duce, that the fight which I enter, is one for life and death. My own fate does not play any role in it at all. But I am also aware that one cannot avoid such a struggle permanently and that one has to choose after cold deliberation the moment for resistance in such a way that the probability of the success is guaranteed and I believe in this success, Duce, with the firmness of a rock. Recently you have given me the kind assurance that you think you will be able to help me in a few fields. I acknowledge this in advance with sincere thanks. But I believe also—even if we march now over different roads—that fate will finally join us. If the National Socialist Germany were destroyed by the Western democracies, the Fascist Italy would also have to face a grave future. I was personally always aware of this community of the future of our two governments and I know that you, Duce, think the same way. To the situation in Poland, I would like to make the brief remark that we lay aside, of course, all unimportant things, that we do not waste any man in unimportant tasks, but direct all on acts in the light of great operational considerations. The Northern Polish Army which is the Corridor, has already been completely encircled by our action. It will be either wiped out or will surrender. Otherwise, all operations proceed according to plan. The daily achievements of the troops are far beyond all expectations. The superiority of our air force is complete, although scarcely one-third of it is in Poland. In the West I will be on the defensive. France can here sacrifice its blood first. Then the moment will come when we can confront the enemy also there with the full power of the nation. Accept my thanks, Duce, for all your assistance which you have given to me in the past and I ask you not to deny it to me in the future." (*1831-PS*)

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9. AGGRESSION AGAINST NORWAY AND DENMARK

In the early hours of the morning of 9 April 1940 Nazi Germany invaded Norway and Denmark. Those invasions constituted wars of aggression, and also wars in violation of international treaties, agreements, and assurances.

A. *Treaties and Assurances Violated.*

The invasions constituted violations of the Hague Convention and of the Kellogg-Briand Pact. In addition there were specific agreements between Germany and Norway and Denmark. There was the Treaty of Arbitration and Conciliation between Germany and Denmark, which was signed at Berlin on 2 June, 1926 (*TC–17*). The first Article of that Treaty is in these terms:

> "The Contracting Parties undertake to submit to the procedure of arbitration or conciliation, in conformity with the present Treaty, all disputes of any nature whatsoever which may arise between Germany and Denmark and which it has not been possible to settle within a reasonable period by diplomacy or to bring with the consent of both Parties before the Permanent Court of International Justice.
>
> "Disputes for the solution of which a special procedure has been laid down in other Conventions in force between the Contracting Parties shall be settled in accordance with the provisions of such Conventions." (*TC–17*)

The remaining Articles deal with the machinery for arbitration.

There was also the treaty of nonaggression between Germany and Denmark which was signed by Ribbentrop on 31 May 1939, ten weeks after the Nazi seizure of Czechoslovakia (*TC–24*). The preamble and Articles 1 and 2 read as follows:

> "His Majesty the King of Denmark and Iceland and the Chancellor of the German Reich,
>
> "Being firmly resolved to maintain peace between Denmark and Germany in all circumstances, have agreed to confirm this resolve by means of a treaty and have appointed as their Plenipotentiaries: His Majesty the King of Denmark and Iceland and the Chancellor of the German Reich.
>
> "Article I: The Kingdom of Denmark and the German Reich shall in no case resort to war or to any other use of force one against the other.
>
> "Should action of the kind referred to in Paragraph 1 be taken by a third Power against one of the Contracting Parties, the other Contracting Party shall not support such action in any way.
>
> "Article II: The Treaty shall come into force on the exchange of the instruments of ratification and shall remain in force for a period of ten years from that date." (*TC–24*)

The Treaty is dated 31 May 1939. At the bottom of the page there appears the signature of Ribbentrop. The invasion of Denmark by the Nazi forces less than a year after the signature of this treaty showed the utter worthlessness of treaties to which Ribbentrop put his signature.

With regard to Norway, Ribbentrop and the Nazi conspirators were party to a similar perfidy. Hitler gave an assurance to Denmark, Norway, and the Netherlands on 28 April 1939 (*TC–30*). That, of course, was after the annexation of Czechoslovakia had shaken the confidence of the world, and was presumably an attempt to try to reassure the Scandinavian States. Hitler said:

> "I have given binding declarations to a large number of States. None of these States can complain that even a trace of a demand contrary thereto has ever been made to them by Germany. None of the Scandinavian statesmen, for example, can contend that a request has ever been put to them by the German Government or by the German public opinion which was incompatible with the sovereignty and integrity of their State.
>
> "I was pleased that a number of European States availed themselves of these declarations by the German Government to express and emphasize their desire too for absolute neutrality. This applies to Holland, Belgium, Switzerland, Denmark, etc." (*TC–30*)

A further assurance was given by the Nazi Government on 2 September 1939, the day after the Nazi invasion of Poland. On that day an aide memoire was handed to the Norwegian Foreign Minister by the German Minister in Oslo. It reads:

> "The German Reich Government is determined, in view of the friendly relations which exist between Norway and Germany, under no circumstances to prejudice the inviolability and integrity of Norway and to respect the territory of the Norwegian State. In making this declaration the Reich Government naturally expects, on its side, that Norway will observe an unimpeachable neutrality towards the Reich and will not tolerate any breaches of Norwegian neutrality by any third party which might occur. Should the attitude of the Royal Norwegian Government differ from this so that any such breach of neutrality by a third party recurs, the Reich Goverment would then obviously be compelled to safeguard the interests of the Reich in such a way as the resulting situation might dictate." (*TC–31*)

There followed a further German assurance to Norway in a speech by Hitler on 6 October 1939 in which he said:

> "Germany has never had any conflicts of interest or even points of controversy with the Northern States; neither has she any today. Sweden and Norway have both been offered nonaggression pacts by Germany and have both refused them solely because they do not feel themselves threatened in any way." (*TC–32*)

These treaties and assurances were the diplomatic background to the Nazi aggression on Norway and Denmark. These assurances were simply given to lull suspicion and cause the intended victims of Nazi aggression to be unprepared to meet the Nazi attack. For it is now known that as early as October 1939 the conspirators were plotting the invasion of Norway, and that the most active conspirators in that plot were Raeder and Rosenberg.

B. *Early Planning for Invasion.*

The Norwegian invasion is in one respect not a typical Nazi aggression, in that Hitler had to be persuaded to embark upon it. The chief instruments of persuasion were Raeder and Rosenberg; Raeder because he thought Norway strategically important, and because he coveted glory for his Navy; Rosenberg because of his political connections in Norway, which he sought to develop. And in the Norwegian, Vidkun Quisling, Rosenberg found a very model of the Fifth Column agent.

The early stages of the Nazi conspiracy to invade Norway are disclosed in a letter which Raeder wrote on 10 January 1944 to Admiral Assmann, the official German Naval historian (*C–66*). It is headed "Memorandum for Admiral Assmann for his own information; not to be used for publications." The first part deals with "Barbarossa" (the plan to invade Russia). The next part is headed "(b) *Weseruebung,*" which was the code name for the invasion of Norway and Denmark. The following is a pertinent passage from the letter:

> "During the weeks preceding the report on the 10th of October 1939, I was in correspondence with Admiral Carls, who, in a detailed letter to me, first pointed out the importance of an occupation of the Norwegian coast by Germany. I passed this letter on to C/SKl (the Chief of Staff of the Naval War Staff) for their information and prepared some notes based on this letter for my report to the Fuehrer, which I made on the 10th of October 1939, since my opinion was identical with that of Admiral Carls, while at that time the SKl was more dubious about the matter. In these notes, I stressed the disadvantages which an occupation of Norway by the British would have for us—control of the approaches to the Baltic, outflanking of our naval operations and of air attacks on Britain, pressure on Sweden. I also stressed the advantages for us of the occupation of the Norwegian coast—outlet to the North Atlantic, no possibility of a British mine barrier, as in the year 1917-18. Naturally at the time, only the coast and bases were considered; I included Narvik, though Admiral Carls, in the course of our correspondence thought that Narvik could be excluded. The Fuehrer saw at once the sig-

> nificance of the Norwegian problem; he asked me to leave the notes and stated that he wished to consider the question himself." (*C–66*)

This report of Raeder shows that the evolution of this Nazi campaign against Norway affords a good example of the participation of the German High Command in the Nazi conspiracy to attack inoffensive neighbors.

Before this report of October 1939 was made to the Fuehrer, Raeder sought a second opinion on the Norwegian invasion. On 3 October 1939, he made out a questionnaire headed, "Gaining of Bases in Norway (extract from War Diary)" (*C–122*). It reads:

> "The Chief of the Naval War Staff considers it necessary that the Fuehrer be informed as soon as possible of the opinions of the Naval War Staff on the possibilities of extending the operational base to the North. It must be ascertained whether it is possible to gain bases in Norway under the combined pressure of Russia and Germany, with the aim of improving our strategic and operational position. The following questions must be given consideration:
>
> "(*a*) What places in Norway can be considered as bases?
>
> "(*b*) Can bases be gained by military force against Norway's will, if it is impossible to carry this out without fighting?
>
> "(*c*) What are the possibilities of defense after the occupation?
>
> "(*d*) Will the harbors have to be developed completely as bases, or have they already advantages suitable for supply position?"
>
> ("F.O.U.-boats" [a reference to Doenitz] "already considers such harbors extremely useful as equipment and supply bases for Atlantic U-boats to call at temporarily.")
>
> "(*e*) What decisive advantages would exist for the conduct of the war at sea in gaining bases in North Denmark, e.g. Skagen?" (*C–122*)

A memorandum written by Doenitz on Norwegian bases presumably relates to the questionnaire of Raeder, which was in circulation about that time. Doenitz's document is headed, "Flag Officer Submarines, Operations Division," and is marked "Most Secret." The subject is "Base in Norway." Then there are set out "suppositions", "advantages and disadvantages", and then "conclusions". The last paragraph (III) reads:

> "The following is therefore proposed:
>
> "(1) Establishment of a base in Trondheim, including:

> "*a.* Possibility of supplying fuel, compressed air, oxygen, provisions.
>
> "*b.* Repair opportunities for overhaul work after an encounter.
>
> "*c.* Good opportunities for accommodating U-boat crews.
>
> "*d.* Flak protection, L.A. armament, petrol and M/S units.
>
> "Secondly, establishment of the possibility of supplying fuel in Narvik as an alternative." (*C–5*)

In October 1939 Hitler was merely considering the Norwegian aggression and had not yet committed himself to it. Raeder persevered in pressing his point of view with regard to Norway, and at this stage he found a powerful ally in Rosenberg.

C. *Use of the Fifth Column: Quisling.*

The Nazi employment of traitors and the stimulation of treachery as a political weapon are now proven historical facts. Should further proof be required, it is found in a "Brief Report on Activities of the Foreign Affairs Bureau of the Party (*Aussenpolitisches Amt der NSDAP*) from 1933 to 1943" (*007–PS*). This was Rosenberg's Bureau. The report reads:

> "When the Foreign Affairs Bureau (*Aussenpolitische Amt*) was established on the 1st of April 1933, the Fuehrer directed that it should not be expanded to a large bureaucratic agency, but should rather develop its effectiveness through initiative and suggestions.
>
> "Corresponding to the extraordinarily hostile attitude adopted by the Soviet Government in Moscow from the beginning, the newly-established Bureau devoted particular attention to internal conditions in the Soviet Union, as well as to the effects of World Bolshevism primarily in other European countries. It entered into contact with the most variegated groups inclining towards National Socialism in combatting Bolshevism, focussing its main attention on Nations and States bordering on the Soviet Union. On the one hand, those Nations and states constituted an *Insulating Ring* encircling the Bolshevist neighbor; on the other hand they were the laterals of German living space and took up a flanking position towards the Western Powers, especially Great Britain. In order to wield the desired influence by one means or another, the Bureau was compelled to use the most varying methods, taking into consideration the completely different living conditions, the ties of blood, intellect and history of the movements observed by the Bureau in those countries.

> "In Scandinavia an outspokenly pro-Anglo-Saxon attitude, based on economic consideration, had become progressively more dominant after the World War of 1914–18. There the Bureau put the entire emphasis on influencing general cultural relations with the Nordic peoples. For this purpose it took the Nordic Society in Luebeck under its protection. The Reich conventions of this society were attended by many outstanding personalities, especially from Finland. While there were no openings for purely political cooperation in Sweden and Denmark, an association based on Greater Germanic ideology was found in Norway. Very close relations were established with its founder, which led to further consequences." (*007–PS*)

There follows an account of the activity of Rosenberg's Bureau in various parts of the world. The last paragraph of the main body of the report reads in part:

> "With the outbreak of war, the Bureau was entitled to consider its task as terminated. The exploitation of the many personal connections in many lands can be resumed under a different guise." (*007–PS*)

The Annex to the report shows what the "exploitation of personal connections" involved. Annex One to the document is headed, "To Brief Report on Activities of the Foreign Affairs Bureau of the Nazi Party from 1933 to 1943." The subheading is "The Political Preparation of the Military Occupation of Norway During the War Years 1939-1940". The annex reads:

> "As previously mentioned, of all political groupings in Scandinavia, only '*Nasjonal Samling*', led in Norway by the former Minister of War and Major of the Reserve, Vidkun Quisling, deserved serious political attention. This was a fighting political group, possessed by the idea of a Greater Germanic Community. Naturally, all ruling powers were hostile and attempted to prevent, by any means, its success among the population. The Bureau maintained constant liaison with Quisling and attentively observed the attacks he conducted with tenacious energy on the middle class, which had been taken in tow by the English.
>
> "From the beginning, it appeared probable that without revolutionary events, which would stir the population from their former attitude, no successful progress of *Nasjonal Samling* was to be expected. During the winter 1938-1939, Quisling was privately visited by a member of the Bureau.
>
> "When the political situation in Europe came to a head in

> 1939, Quisling made an appearance at the convention of the Nordic Society in Luebeck in June. He expounded his conception of the situation, and his apprehensions concerning Norway. He emphatically drew attention to the geopolitically decisive importance of Norway in the Scandinavian area, and to the advantages that would accrue to the power dominating the Norwegian coast in case of a conflict between the Greater German Reich and Great Britain.
>
> "Assuming that his statement would be of special interest to the Marshal of the Reich Goering for aero-strategical reasons, Quisling was referred to State Secretary Koerner by the Bureau. The Staff Director of the Bureau handed the Chief of the Reich Chancellery a memorandum for transmission to the Fuehrer." (*007–PS*)

This document is another illustration of the close interweaving between the political and military leadership of the Nazi State. Raeder, in his report to Admiral Assmann, admitted his collaboration with Rosenberg (*C–66*). The second paragraph of the Raeder report, headed *"Weseruebung,"* reads as follows:

> "In the further developments, I was supported by Commander Schreiber, Naval Attache in Oslo and the M-Chief personally—in conjunction with the Rosenberg Organization. Thus, we got in touch with Quisling and Hagelin, who came to Berlin at the beginning of December and were taken to the Fuehrer by me—with the approval of Reichsleiter Rosenberg." (*C–66*)

The details of the manner in which Raeder made contact personally with Quisling are not clear. In a report from Rosenberg to Raeder, however, the full extent of Quisling's preparedness for treachery and his potential usefulness to the Nazi aggressors was reported and disclosed to Raeder. The second paragraph of this report reads as follows:

> "The reasons for a coup, on which Quisling made a report, would be provided by the fact that the Storthing (the Norwegian Parliament) had, in defense of the constitution, passed a resolution prolonging its own life which is to become operative on January 12th. Quisling still retains in his capacity as a long-standing officer and a former Minister of War, the closest relations with the Norwegian Army. He showed me the original of a letter which he had received only a short time previously from the Commanding Officer in Narvik, Colonel Sunlo. In this letter, Colonel Sunlo frankly lays emphasis on the fact that, if things went on as they were going at present, Norway was finished." (*C–65*)

Then came the details of a plot to overthrow the government of Norway by the traitor Quisling, in collaboration with Rosenberg:

> "A plan has been put forward which deals with the possibility of a coup, and which provides for a number of selected Norwegians to be trained in Germany with all possible speed for such a purpose, being allotted their exact tasks, and provided with experienced and die-hard National Socialists, who are practiced in such operations. These trained men should then proceed with all speed to Norway, where details would then require to be further discussed. Some important centers in Oslo would have to be taken over immediately, and at the same time the German Fleet, together with suitable contingents of the German Army, would go into operation when summoned specially by the new Norwegian Government in a specified bay at the approaches to Oslo. Quisling has no doubts that such a coup, having been carried out with instantaneous success—would immediately bring him the approval of those sections of the Army with which he at present has connections, and thus it goes without saying that he has never discussed a political fight with them. As far as the King is concerned, he believes that he would respect it as an accomplished fact. * * *
>
> "Quisling gives figures of the number of German troops required which accord with German calculations." (*C–65*)

Subsequent developments are indicated in a report by Raeder of his meeting with Hitler on 12 December 1939 at 1200 hours, in the presence of Keitel, Jodl and Puttkammer, who at this time was adjutant to Hitler. The report is headed "Norwegian Question", and the first sentence reads:

> "C-in-C Navy" (Raeder) "has received Quisling and Hagelin. Quisling creates the impression of being reliable." (*C–64*)

There then follows, in the next two paragraphs, a statement of Quisling's views. The fourth paragraph reads:

> "The Fuehrer thought of speaking to Quisling personally so that he might form an impression of him. He wanted to see Rosenberg once more beforehand, as the latter has known Quisling for a long while. C-in-C Navy" [Raeder] "suggests that if the Fuehrer forms a favorable impression, the OKW should obtain permission to make plans with Quisling for the preparation and carrying out of the occupation.
>
> "(*a*) By peaceful means; that is to say, German forces summoned by Norway, or
>
> "(*b*) To agree to do so by force." (*C–64*)

It was at a meeting on 12 December that Raeder made the above report to Hitler.

Raeder's record of these transactions reports the next event:

> "Thus, we got in touch with Quisling and Hagelin, who came to Berlin at the beginning of December and were taken to the Fuehrer by me, with the approval of Reichsleiter Rosenberg." (*C–66*)

A note at the bottom of the page states:

> "At the crucial moment, R" (presumably Rosenberg) "hurt his foot, so that I visited him in his house on the morning of the 14th of December." (*C-66*)

That is Raeder's note, and it indicates the extent of his contact in this conspiracy.

The report continues:

> "On the grounds of the Fuehrer's discussion with Quisling and Hagelin on the afternoon of the 14th of December, the Fuehrer gave the order that the preparations for the Norwegian operation were to be made by the Supreme Command of the Armed Forces.
>
> "Until that moment, the Naval War Staff had taken no part in the development of the Norwegian question, and continued to be somewhat skeptical about it. The preparations, which were undertaken by Captain Kranke in the Supreme Command of the Armed Forces, were founded, however, on a memorandum of the Naval War Staff." (*C–66*)

Raeder's note referring to the "crucial" moment was an appropriate one, for on the same day that it was written, 14 December, Hitler gave the order that preparations for the Norwegian operation were to be begun by the Supreme Command of the Armed Forces.

Rosenberg's report on the activities of his organization deals with further meetings between Quisling and the Nazi chiefs in December. The extract reads:

> "Quisling was granted a personal audience with the Fuehrer on 16 December, and once more on 18 December. In the course of this audience the Fuehrer emphasized repeatedly that he personally would prefer a completely neutral attitude of Norway, as well as of the whole of Scandinavia. He did not intend to enlarge the theatre of war and to draw still other nations into the conflict. * * *"
>
> "Should the enemy attempt to extend the war however, with the aim of achieving further throttling and intimidation of

> the Greater German Reich, he would be compelled to gird himself against such an undertaking. In order to counterbalance increasing enemy propaganda activity, he promised Quisling financial support of his movement, which is based on Greater German ideology. Military exploitation of the question now raised was assigned to the special military staff, which transmitted special missions to Quisling. Reichsleiter Rosenberg was to take over political exploitation. Financial expenses were to be defrayed by the Ministry for Foreign Affairs [Ribbentrop's organization], the Minister for Foreign Affairs [Ribbentrop] being kept continuously informed by the Foreign Affairs Bureau [Rosenberg's organization].
>
> "Chief of Section Scheidt was charged with maintaining liaison with Quisling. In the course of further developments he was assigned to the Naval Attache in Oslo. Orders were given that the whole matter be handled with strictest secrecy." (*007–PS*)

Here again is a further indication of the close link between the Nazi politicians and the Nazi service chiefs.

D. *Operational Planning*

The information available on the events of January 1940 is not full, but it is clear that the agitation of Raeder and Rosenberg bore fruit. An order signed by Keitel, dated 27 January 1940, marked "Most Secret, five copies; reference, Study 'N' ", (an earlier code name for the *Weseruebung* preparations) and classified "Access only through an officer," stated:

> "C-in-C of the Navy [Raeder] has a report on this * * *
> "The Fuehrer and Supreme Commander of the Armed Forces wishes that Study 'N' should be further worked on under my direct and personal guidance, and in the closest conjunction with the general war policy. For these reasons the Fuehrer has commissioned me to take over the direction of further preparations.
>
> "A working staff has been formed at the Supreme Command of the Armed Forces Headquarters for this purpose, and this represents at the same time the nucleus of a future operational staff."
>
> * * * * * * *
>
> "All further plans will be made under the cover name '*Weseruebung.*' " (*C–63*)

The importance of that document, to the signature of Keitel upon it, and to the date of this important decision, is this: Prior to this date, 27 January 1940, the planning of the various aspects of the invasion of Norway and Denmark had been confined to a relatively small group, whose aim had been to persuade Hitler of the desirability of undertaking the operation. The issuance of this directive of Keitel's on 27 January 1940, was the signal that the Supreme Command of the German Armed Forces, the OKW, had accepted the proposition of the group that was pressing for the Norwegian adventure, and had turned the combined resources of the German military machine to the task of producing practical and coordinated plans for the Norwegian operation. From January onward the operational planning for the invasion of Norway and Denmark was started through the normal channels.

Certain entries in the diary of Jodl reveal how the preparations progressed (*1809–PS*). The entry for 6 February commences:

> "New idea: Carry out 'H' [*Hartmundt,* another code word for the Norwegian and Danish invasion] and Weser Exercise only and guarantee Belgium's neutrality for the duration of the war." (*1809–PS*)

The entry for 21 February reads:

> "Fuehrer has talked with General von Falkenhorst, and charges him with preparation of 'Weser Exercise.' Falkenhorst accepts gladly. Instructions issued to the three branches of the armed forces." (*1809–PS*)

The entry for 28 February reads:

> "I propose, first to the Chief of OKW and then to the Fuehrer, that Case Yellow [the code name for the invasion of the Netherlands] and Weser Exercise [the invasion of Norway and Denmark] must be prepared in such a way that they will be independent of one another as regards both time and forces employed. The Fuehrer completely agrees, if this is in any way possible." (*1809–PS*)

It will be observed that the new idea of 6 February, that the neutrality of Belgium might be preserved, had been abandoned by 28 February.

The entry for 29 February reads:

> "Fuehrer also wishes to have a strong task force in Copenhagen and a plan, elaborated in detail, showing how individual coastal batteries are to be captured by shock troops. Warlimont, *Chef Landesverteidigung,* instructed to make out immediately the order of the Army, Navy, and Air Force, and Director of Armed Forces to make out a similar order regarding the strengthening of the staff." (*1809–PS*)

Then came Hitler's order to complete the preparations for the invasion of Norway and Denmark (*C–174*). It bears the date of 1 March 1940, and reads as follows:

> "The Fuehrer and Supreme Commander of the Armed Forces, Most Secret.
>
> "Directive for *Fall Weseruebung.*
>
> "The development of the situation in Scandinavia requires the making of all preparations for the occupation of Denmark and Norway by a part of the German Armed Forces—*Fall Weseruebung.* This operation should prevent British encroachment on Scandinavia and the Baltic; further, it should guarantee our ore base in Sweden and give our Navy and Air Force a wider start line against Britain.
>
> "In view of our military and political power in comparison with that of the Scandinavian States, the force to be employed in the *Fall Weseruebung* will be kept as small as possible. The numerical weakness will be balanced by daring actions and surprise execution. On principle we will do our utmost to make the operation appear as a peaceful occupation, the object of which is the military protection of the neutrality of the Scandinavian States. Corresponding demands will be transmitted to the Governments at the beginning of the occupation. If necessary, demonstrations by the Navy and the Air Force will provide the necessary emphasis. If, in spite of this, resistance should be met with, all military means will be used to crush it."
>
> * * * * * * *
>
> "I put in charge of the preparations and the conduct of the operation against Denmark and Norway the Commanding General of the 21st Army Corps, General von Falkenhorst. * * *"
>
> "The crossing of the Danish border and the landings in Norway must take place simultaneously. I emphasize that the operations must be prepared as quickly as possible. In case the enemy seizes the initiative against Norway, we must be able to apply immediately our own counter-measures.
>
> "It is most important that the Scandinavian States as well as the Western opponents should be taken by surprise by our measures. All preparations, particularly those of transport and of readiness, drafting and embarkation of the troops, must be made with this factor in mind.
>
> "In case the preparations for embarkation can no longer be

> kept secret, the leaders and the troops will be deceived with fictitious objectives." (*C–174*)

The section on "The Occupation of Denmark" which is given the code name of *"Weseruebung Sued"*, provides:

> "The task of Group XXI: Occupation by surprise of Jutland and of Fuenen immediately after occupation of Seeland.
>
> "Added to this, having secured the most important places, the Group will break through as quickly as possible from Fuenen to Skagen and to the east coast." (*C–174*)

There then follow other instructions with regard to the operation.

The section on "The Occupation of Norway", given the code name of *"Weseruebung Nord"*, provides:

> "The task of the Group XXI: Capture by surprise of the most important places on the coast by sea and airborne operations.
>
> "The Navy will take over the preparation and carrying out of the transport by sea of the landing troops. * * * The Air Force, after the occupation has been completed, will ensure air defense and will make use of Norwegian bases for air warfare against Britain." (*C–174*)

Whilst these preparations were being made, and just prior to the final decision of Hitler, reports were coming in through Rosenberg's organization from Quisling. The third paragraph in Annex I, the section dealing with Norway, has this information:

> "Quisling's reports, transmitted to his representative in Germany, Hagelin, and dealing with the possibility of intervention by the Western Powers in Norway with tacit consent of the Norwegian Government, became more urgent by January. These increasingly better substantiated communications were in sharpest contrast to the views of the German Legation in Oslo, which relied on the desire for neutrality of the then Norwegian Nygardszvold Cabinet, and was convinced of that government's intention and readiness to defend Norway's neutrality. No one in Norway knew that Quisling's representative for Germany maintained closest relations to him; he therefore succeeded in gaining a foothold within governmental circles of the Nygardszvold cabinet and in listening to the cabinet members' views. Hagelin transmitted what he had heard to the Bureau [Rosenberg's bureau], which conveyed the news to the Fuehrer through Reichsleiter Rosenberg. During the night of the 16th to 17th of February, English destroyers attacked the German steamer 'Altmark' in Jessingjord.* * *" (*007–PS*)

(That is a reference to the action by the British destroyer *Cossack* against the German naval auxiliary vessel *Altmark,* which was carrying three hundred British prisoners, captured on the high seas, to Germany through Norwegian territorial waters. The position of the British delegation with regard to that episode is that the use that was being made by the *Altmark* of Norwegian territorial waters was in fact a flagrant abuse in itself of Norwegian neutrality, and that the action taken by H.M.S. *Cossack,* which was restricted to rescuing the three hundred British prisoners on board, no attempt being made to destroy the *Altmark* or to capture the armed guards on board her, was fully justified under international law.)

The Rosenberg report continues:

> "The Norwegian Government's reaction to this question permitted the conclusion that certain agreements had been covertly arrived at between the Norwegian Government and the Allies. Such assumption was confirmed by reports of Section Scheidt, who in turn derived his information from Hagelin and Quisling. But even after this incident the German Legation in Oslo championed the opposite view, and went on record as believing in the good intentions of the Norwegians." (*007–PS*)

And so the Nazi Government preferred the reports of the traitor Quisling to the considered judgment of German diplomatic representatives in Norway. The result of the receipt of reports of that kind was the Hitler decision to invade Norway and Denmark. The culminating details in the preparations for the invasion are again found in Jodl's diary. The entry for 3 March relates:

> "The Fuehrer expressed himself very sharply on the necessity of a swift entry into N [Norway] with strong forces.
>
> "No delay by any branch of the armed forces. Very rapid acceleration of the attack necessary." (*1809–PS*)

The last entry for 3 March reads:

> "Fuehrer decides to carry out 'Weser Exercise' before case 'Yellow' with a few days interval." (*1809–PS*)

Thus, the important issue of strategy which had been concerning the German High Command for some time had been decided by this date, and the fate of Scandinavia was to be sealed before the fate of the Low Country. It will be observed from those entries of 3 March that by that date Hitler had become an enthusiastic convert to the idea of aggression against Norway.

The entry in Jodl's diary for 5 March reads:

> "Big conference with the three commanders-in-chief about 'Weser Exercise.' Field Marshal in a rage because not consulted till now. Won't listen to anyone and wants to show that all preparations so far made are worthless.
>
> "Result: (*a*) Stronger forces to Narvik.
>
> "(*b*) Navy to leave ships in the ports (Hipper or Luetzow in Trondheim).
>
> "(*c*) Christiansand can be left out at first.
>
> "(*d*) Six divisions envisaged for Norway.
>
> "(*e*) A foothold to be gained immediately in Copenhagen." (*1809–PS*)

The entry for 13 March is one of the most remarkable in the documentation of this case.

> "Fuehrer does not give order yet for 'W' [Weser Exercise]. He is still looking for an excuse." (*1809–PS*)

The entry of the next day, 14 March, shows a similar preoccupation on the part of Hitler with the search for an excuse for this aggression. It reads:

> "English keep vigil in the North Sea with fifteen to sixteen submarines; doubtful whether reason to safeguard own operations or prevent operations by Germans. Fuehrer has not yet decided what reason to give for 'Weser Exercise.'" (*1809–PS*)

The entry for 21 March reads:

> "Misgivings of Task Force 21 [Falkenhorst's Force, detailed to conduct the invasion] about the long interval between taking up readiness positions at 05.30 hours and close of diplomatic negotiations. Fuehrer rejects any earlier negotiations, as otherwise calls for help go out to England and America. If resistance is put up it must be ruthlessly broken. The political plenipotentiaries must emphasize the military measures taken, and even exaggerate them." (*1809–PS*)

The entry of 28 March reads:

> "Individual naval officers seem to be lukewarm concerning the Weser Exercise and need a stimulus. Also Falkenhorst and the other two commanders are worrying about matters which are none of their business. Franke sees more disadvantages than advantages.
>
> "In the evening the Fuehrer visits the map room and roundly declares that he won't stand for the Navy clearing out of the

> Norwegian ports right away. Narvik, Trondheim and Oslo will have to remain occupied by naval forces." (*1809-PS*)

The entry for 2 April reads:

> "Commander-in-Chief of the Air Force, Commander-in-Chief of the Navy, and General von Falkenhorst with the Fuehrer. All confirm preparations completed. Fuehrer orders carrying out of the Weser Exercise for April 9th." (*1809-PS*)

The entry for 4 April reads:

> "Fuehrer drafts the proclamation. Piepenbrock, Chief of Military Intelligence 1, returns with good results from the talks with Quisling in Copenhagen." (*1809-PS*)

From the large number of operation orders that were issued in connection with the aggression against Norway and Denmark, two may be cited to illustrate the extent of the secrecy and deception that was used by the conspirators in the course of that aggression. The first dated 4 April 1940, reads in part:

> "* * * The barrage-breaking vessels (*Sperrbrechers*) will penetrate inconspicuously, and with lights on, into Oslo Fjord, disguised as merchant steamers.
>
> "Challenge from coastal signal stations and lookouts are to be answered by the deceptive use of the names of English steamers. I lay particular stress on the importance of not giving away the operation before zero hour." (*C-115*)

An order for reconnaissance forces, dated 24 March 1940, entitled "Behavior during entrance into the harbor," reads in part:

> "The disguise as British craft must be kept up as long as possible. All challenges in Morse by Norwegian ships will be answered in English. In answer to questions a text with something like the following content will be chosen:
>
> "Calling at Bergen for a short visit; no hostile intent.
>
> "Challenges to be answered with names of British warships:

"Koeln	H.M.S. Cairo
"Koenigsberg	H.M.S. Calcutta
"Bromso	H.M.S. Faulkner
"Karl Peters	H.M.S. Halcyon
"Leopard	British destroyer
"Wolf	British destroyer
"E-boats	British motor torpedo boats

> "Arrangements are to be made enabling British war flags to be illuminated. Continual readiness for making smoke." (*C-115*)

An order dated 24 March 1940, classified "Most Secret," provides:

> "Following is laid down as guiding principle should one of our own units find itself compelled to answer the challenge of passing craft. To challenge in case of the 'Koeln' H.M.S. Cairo. Then to order to stop: (1) Please repeat last signal. (2) Impossible to understand your signal. In case of a warning shot: Stop firing. British ship. Good friend. In case of an inquiry as to destination and purpose: Going Bergen. Chasing German steamers." (*C–115*)

Doenitz's order in connection with this operation is headed "Top Secret, Operation Order *'Hartmut.'* "

> "Occupation of Denmark and Norway. This order comes into force on the codeword *'Hartmut.'* With its coming into force the orders hitherto valid for the boats taking part lose their validity.
>
> "The day and hour are designated as 'Weser-Day' and 'Weser-Hour', and the whole operation is known as 'Weseruebung'.
>
> "The operation ordered by the codeword has its objective the rapid surprise landing of troops in Norway. Simultaneously Denmark will be occupied from the Baltic and from the land side. * * * The naval force will as they enter the harbor fly the British flag until the troops have landed, except presumably at Narvik." (*C–151*)

E. *Nazi Justification of Invasion.*

On 9 April 1940 the Nazi onslaught on the unsuspecting and almost unarmed people of Norway and Denmark was launched. When the invasions had already begun, a German memorandum was handed to the governments of Norway and Denmark attempting to justify the German action (*TC–55*). That memorandum alleges that England and France were guilty in their maritime warfare of breaches of international law; that Britain and France are making plans themselves to invade and occupy Norway; and that the government of Norway was prepared to acquiesce in such a situation. The memorandum further states:

> "The German troops therefore do not set foot on Norwegian soil as enemies. The German High Command does not intend to make use of the points occupied by German troops as bases for operations against England, so long as it is not forced to do so by measures taken by England and France. German military operations aim much more exclusively at protecting

> the north against proposed occupation of Norwegian strong points by English-French forces." (*TC–55*)

In connection with that statement it may be recalled that in his operation order on 1 March Hitler had given orders to the Air Force to make use of Norwegian bases for air warfare against Britain. That was on 1 March. And this is the memorandum which was produced as an excuse on 9 April. The last two paragraphs of the German memorandum to Norway and Denmark are a classic Nazi combination of diplomatic hypocracy and military threat:

> "The Reich Government thus expects that the Royal Norwegian Government and the Norwegian people will respond with understanding to the German measures and offer no resistance to it. Any resistance would have to be and would be broken by all possible means by the German forces employed, and would therefore lead only to absolutely useless bloodshed. The Royal Norwegian Government is therefore requested to take all measures with the greatest speed to ensure that the advance of the German troops can take place without friction and difficulty. In the spirit of the good German-Norwegian relations that have always existed, the Reich Government declares to the Royal Norwegian Government that Germany has no intention of infringing by her measures the territorial integrity and political independence of the Kingdom of Norway now or in the future." (*TC–55*)

What the Nazis meant by "protection of the kingdom of Norway" was shown by their conduct on 9 April.

A report by the Commander in Chief of the Royal Norwegian Forces states:

> "* * * The Germans, considering the long lines of communications and the threat of the British Navy, clearly understood the necessity of complete surprise and speed in the attack. In order to paralyze the will of the Norwegian people to defend their country and at the same time to prevent allied intervention it was planned to capture all the more important towns along the coast simultaneously. Members of the Government and Parliament and other military and civilian people occupying important positions were to be arrested before organized resistance could be put into effect and the King was to be forced to form a new government with Quisling as the head."

* * * * * * *

> "The German attack came as a surprise and all the invaded towns along the coast were captured according to plan with only slight losses. In the Oslofjord, however, the cruiser 'Blucher', carrying General Engelbrecht and parts of his division, technical staffs and specialists who were to take over the control of Oslo, was sunk. The plan to capture the King and members of the Government and Parliament failed in spite of the surprise of the attack; resistance was organized throughout the country." (*TC–56*)

What happened in Denmark is described in a memorandum prepared by the Royal Danish Government (*D–628*). An extract from it reads:

> "Extracts from the Memorandum concerning Germany's attitude towards Denmark before and during the occupation, prepared by the Royal Danish Government.
>
> "On the 9th of April, 1940 at 4.20 hours the German Minister appeared at the private residence of the Danish Minister for Foreign Affairs accompanied by the Air Attache of the Legation. The appointment had been made by a telephone call from the German Legation to the Secretary General of the Ministry for Foreign Affairs at 4.00 o'clock the same morning. The Minister said at once that Germany had positive proof that Great Britain intended to occupy bases in Denmark and Norway. Germany had to safeguard Denmark against this. For this reason German soldiers were now crossing the frontier and landing at various points in Zealand including the port of Copenhagen; in a short time German bombers would be over Copenhagen; their orders were not to bomb until further notice. It was now up to the Danes to prevent resistance as any resistance would have the most terrible consequences. Germany would guarantee Denmark's territorial integrity and political independence. Germany would not interfere with the internal government of Denmark, but wanted only to make sure of the neutrality of the country. For this purpose the presence of the German Wehrmacht in Denmark was required during the war.
>
> "The Minister for Foreign Affairs declared in reply that the allegation concerning British plans to occupy Denmark was completely without foundation; there was no possibility of

> anything like that. The Minister for Foreign Affairs protested against the violation of Denmark's neutrality which according to the German Minister's statement was in progress. The Minister for Foreign Affairs declared further that he could not give a reply to the demands, which had to be submitted to the King and the Prime Minister, and further observed that the German Minister knew, as everybody else, that the Danish armed forces had orders to oppose violations of Denmark's neutrality so that fighting presumably already took place. In reply the German Minister expressed that the matter was very urgent, not least to avoid air bombardment." (*D-628*)

What happened thereafter is described in a dispatch from the British Minister in Copenhagen to the British Foreign Secretary (*D-627*). That dispatch reads:

> "The actual events of the 9th April have been pieced together by members of my staff from actual eye-witnesses or from reliable information subsequently received and are given below. Early in the morning towards 5 o'clock three small German transports steamed into the approach to Copenhagen harbor, whilst a number of airplanes circled overhead. The northern battery, guarding the harbor approach, fired a warning shot at these planes when it was seen that they carried German markings. Apart from this, the Danes offered no further resistance, and the German vessels fastened alongside the quays in the Free Harbor. Some of these airplanes proceeded to drop leaflets over the town urging the population to keep calm and cooperate with the Germans. I enclose a specimen of this leaflet, which is written in a bastard Norwegian-Danish, a curiously un-German disregard of detail, together with a translation. Approximately 800 soldiers landed with full equipment, and marched to Kastellet, the old fortress of Copenhagen and now a barracks. The door was locked, so the Germans promptly burst it open with explosives and rounded up all the Danish soldiers within, together with the womenfolk employed in the mess. The garrison offered no resistance, and it appears that they were taken completely by surprise. One officer tried to escape in a motor car, but his chauffeur was shot before they could get away. He died in hospital two days later. After seizing the barracks, a detachment was sent to Amalienborg, the King's palace, where

> they engaged the Danish sentries on guard, wounding three, one of them fatally. Meanwhile, a large fleet of bombers flew over the city at low altitudes."

* * * * * * *

> "It has been difficult to ascertain exactly what occurred in Jutland. It is clear, however, that the enemy invaded Jutland from the south at dawn on the 9th April and were at first resisted by the Danish forces, who suffered casualties. The chances of resistance were weakened by the extent to which the forces appear to have been taken by surprise. The chief permanent official of the Ministry of War, for instance, motored into Copenhagen on the morning of the 9th April and drove blithely past a sentry who challenged him, in blissful ignorance that this was not one of his own men. It took a bullet, which passed through the lapels of his coat, to disillusion him." (*D–627*)

The German memorandum to the Norwegian and Danish governments spoke of the German desire to maintain the territorial integrity and political independence of those two small countries. Two documents indicate the kind of territorial integrity and political independence the Nazi conspirators contemplated for the victims of their aggression. An entry in Jodl's diary for 19 April reads:

> "Renewed crisis. Envoy Braver is recalled: since Norway is at war with us, the task of the Foreign Office is finished. In the Fuehrer's opinion, force has to be used. It is said that Gauleiter Terboven will be given a post. Field Marshal [presumably a reference to Goering] is moving in the same direction. He criticizes as defects that we didn't take sufficiently energetic measures against the civilian population, that we could have seized electrical plant, that the Navy didn't supply enough troops. The Air Force can't do everything." (*1809–PS*)

It will be seen from that entry and the reference to Gauleiter Terboven that already by 19 April, rule by Gauleiters had replaced rule by Norwegians.

A memorandum dated 3 June 1940, signed by Fricke, at that date the head of the Operations Division of the German Naval War Staff, which was a key appointment in the very nerve center of German naval operations, relates to questions of territorial expansion and bases (*C–41*). It reads:

"These problems are preeminently of a political character and comprise an abundance of questions of a political type, which it is not the Navy's province to answer, but they also materially affect the strategic possibilities open—according to the way in which this question is answered—for the subsequent use and operation of the Navy.

"It is too well known to need further mention that Germany's present position in the narrows of the Heligoland Bight and in the Baltic—bordered as it is by a whole series of States and under their influence—is an impossible one for the future of Greater Germany. If, over and above this, one extends these strategic possibilities to the point that Germany shall not continue to be cut off for all time from overseas by natural geographical facts, the demand is raised that somehow or other an end shall be put to this state of affairs at the end of the war.

"The solution could perhaps be found among the following possibilities.

"1. The territories of Denmark, Norway and Northern France acquired during the course of the war continue to be so occupied and organized that they can in future be considered as German possessions.

"This solution will recommend itself for areas where the severity of the decision tells, and should tell, on the enemy and where a gradual 'Germanizing' of the territory appears practicable.

"2. The taking over and holding of areas which have no direct connection with Germany's main body, and which, like the Russian solution in Hango, remain permanently as an enclave in the hostile State. Such areas might be considered possibly around Brest and Trondjem.

"3. The power of Greater Germany in the strategic areas acquired in this war should result in the existing population of these areas feeling themselves politically, economically and militarily to be completely dependent on Germany. If the following results are achieved—that expansion is undertaken (on a scale I shall describe later) by means of the military measures for occupation taken during the war, that French powers of resistance (popular unity, mineral resources, industry, Armed Forces) are so broken that a revival must be considered out of the question, that the smaller States such as the Netherlands, Denmark and Norway are forced into a

> dependence on us which will enable us in any circumstances and at any time easily to occupy these countries again, then in practice the same, but psychologically much more, will be achieved." (*C–41*)

Then Fricke recommends:

> "The solution given in 3, therefore, appears to be the proper one, that is, to crush France, to occupy Belgium, part of North and East France, to allow the Netherlands, Denmark and Norway to exist on the basis indicated above."
>
> * * * * * * *
>
> "Time will show how far the outcome of the war with England will make an extension of these demands possible." (*C–41*)

The submission of the prosecution is that that and other documents which have been submitted tear apart the veil of Nazi pretense. These documents reveal the menace behind the good-will of Goering; they expose as fraudulent the diplomacy of Ribbentrop; they show the reality behind the ostensible political ideology of tradesmen in treason like Rosenberg; and finally and above all, they render sordid the professional status of Keitel and of Raeder.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO AGGRESSION AGAINST NORWAY AND DENMARK

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (F) 5; V..................	I	27,29
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double		

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	asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*004-PS	Report submitted by Rosenberg to Deputy of the Fuehrer, 15 June 1940, on the Political Preparation of the Norway Action. (GB 140)	III	19
*007-PS	Report on activities of the Foreign Affairs Bureau from 1933 to 1943 signed Rosenberg. (GB 84)	III	27
*957-PS	Rosenberg's letter to Ribbentrop, 24 February 1940. (GB 139)	III	641
1546-PS	Raeder memorandum, 9 April 1940, concerning occupation of Norway	IV	104
*1809-PS	Entries from Jodl's diary, February 1940 to May 1940. (GB 88)	IV	377
*3054-PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167)	V	801
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*C-5	Memorandum to Supreme Command of the Navy by Doenitz, 9 October 1939, concerning base in Norway. (GB 83)	VI	815

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*C-41	Memorandum by Fricke, 3 June 1940, on questions of territorial expansion and bases. (GB 96)....	VI	868
*C-63	Keitel order on preparation for "Weseruebung", 27 January 1940. (GB 87)........................	VI	883
*C-64	Raeder's report, 12 December 1939, on meeting of Naval Staff with Fuehrer. (GB 86)..........	VI	884
*C-65	Notes of Rosenberg to Raeder concerning visit of Quisling. (GB 85).	VI	885
*C-66	Memorandum from Raeder to Assman, 10 January 1944, concerning "Barbarossa" and "Weseruebung". (GB 81).................	VI	887
*C-115	Naval deception and camouflage in invasion of Norway taken from file of naval operation orders for operation "Weseruebung". (GB 90)..........................	VI	914
*C-122	Extract from Naval War Diary. Questionnaire on Norway bases, 3 October 1939. (GB 82).........	VI	928
*C-151	Details for execution of operation "Weseruebung", 3 March 1940, signed by Doenitz. (GB 91)......	VI	965
*C-174	Hitler Order for operation "Weseruebung", 1 March 1940. (GB 89)...........................	VI	1003
*D-627	Dispatch from British Minister in Copenhagen to Foreign Secretary, 25 April 1940. (GB 95)..........	VII	97
*D-628	Memorandum concerning Germany's attitude towards Denmark before and during occupation. (GB 94).......................	VII	98
*D-629	Letter from Keitel to Ribbentrop, 3 April 1940. (GB 141)..........	VII	99
*L-323	Entry in Naval War Diary con-		

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	cerning operation "Weseruebung". (USA 541)	VII	1106
*M–156	Year Book of the Ausland (Foreign) Organization of the NSDAP for 1942. (GB 284)	VIII	49
*TC–17	Treaty of Arbitration and Conciliation between Germany and Denmark, signed at Berlin, 2 June 1926. (GB 76)	VIII	346
*TC–24	Treaty of non-aggression between German Reich and Kingdom of Denmark, 31 May 1939. (GB 77)	VIII	373
*TC–30	German assurance to Denmark, Norway, Belgium, and the Netherlands, 28 April 1939, from Documents of German Politics, Part VII, I, pp. 139, 172–175. (GB 78)	VIII	379
*TC–31	German assurance to Norway, 2 September 1939. (GB 79)	VIII	380
*TC–32	German assurance to Norway, 6 October 1939, from Documents of German Politics, Vol. VII, p. 350. (GB 80)	VIII	381
*TC–55	German ultimatum to Norway and Denmark, 9 April 1940, from Documents of German Politics, Part VIII, pp. 21–31. (GB 92)	VIII	410
*TC–56	German Plans for Invasion of Norway, 1 October 1945. (GB 93)	VIII	414
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10. AGGRESSION AGAINST BELGIUM, THE NETHERLANDS, AND LUXEMBOURG

The independence of Belgium, which for so many centuries was the cockpit of Europe, was guaranteed by the great European powers in 1839. That guarantee was observed for 75 years, until it was broken by the Germans in 1914, who brought all the horrors of war, and the even greater horrors of German occupation, to Belgium. History was to repeat itself in a still more catastrophic fashion some 25 years after, in 1940.

Among the applicable treaties are the Hague Convention of 1907 (*TC–3; TC–4*), the Locarno Arbitration and Conciliation Convention of 1925, in which Belgium's independence and neutrality were guaranteed by Germany; the Kellogg-Briand Pact of 1928, by which all the Powers renounced recourse to war; and the Hague Convention of Arbitration and Conciliation May 1926 between Germany and the Netherlands (*TC–16*). Article I of the latter treaty provides:

> "The contracting parties" (the Netherlands and the German Reich) "undertake to submit all disputes of any nature whatever which may arise between them which it has not been possible to settle by diplomacy, and which have not been referred to the Permanent Court of International Justice, to be dealt with by arbitration or conciliation as provided." (*TC–16*)

Subsequent clauses deal with the machinery of conciliation. The last article, Article 21, provides that the Convention shall be valid for ten years, and then shall remain in force for successive periods of five years until denounced by either party. And this treaty never was denounced by Germany at all.

The last of the applicable treaties, all of which belong to the days of the Weimar Republic, is the Treaty of Arbitration and Conciliation between Germany and Luxembourg, executed at Geneva in 1929 (*TC–20*). The first few words of Article 1 are familiar:

> "The contracting parties undertake to settle by peaceful means all disputes of any nature whatever which may arise between them and which it may not be possible to settle by diplomacy." (*TC–20*)

Then follow clauses dealing with the machinery for peaceful settlement of disputes, which are in the common form.

Those were the treaty obligations between Germany and Belgium at the time when the Nazi Party came into power in 1933. Hitler adopted and ratified the obligations of Germany under the

Weimar Republic with regard to the treaties which had been entered into. Nothing more occurred to alter the position of Belgium until March 1936. Germany reoccupied the Rhineland and announced the resumption of conscription. And Hitler, on 7 March 1936 purported in a speech to repudiate the obligations of the German Government under the Locarno Pact, the reason being given as the execution of the Franco-Soviet Pact of 1935. There was no legal foundation for this claim that Germany was entitled to renounce obligations under the Locarno Pact. But Belgium was left in the air, in the sense that it had itself entered into various obligations under the Locarno Pact in return for the liabilities which other nations acknowledged, and now one of those liabilities, namely, the liability of Germany to observe the Pact, had been renounced.

And so on 30 January 1937, perhaps because Hitler realized the position of Belgium and of the Netherlands, Hitler gave solemn assurance—he used the word "solemn"—which amounted to a full guarantee (*TC–33*). In April 1937, France and England released Belgium from her obligations under the Locarno Pact. Belgium gave guarantees of strict independence and neutrality, and France and England gave guarantees of assistance should Belgium be attacked. It was because of those facts that Germany, on 13 October 1937, gave a clear and unconditional guarantee to Belgium:

> "I have the honor on behalf of the German Government to make the following communication to Your Excellency: The German Government has taken cognizance with particular interest of the public declaration in which the Belgium Government defines the international position of Belgium. For its part, it has repeatedly given expressions, especially through the declaration of the Chancellor of the German Reich in his speech of January 30th, 1937, to its own point of view. The German Government has also taken cognizance of the declaration made by the British and French Governments on the 24th of April 1937 * * *
>
> "Since the conclusion of a treaty to replace the Treaty of Locarno may still take some time, and being desirous of strengthening the peaceful aspirations of the two countries, the German Government regards it as appropriate to define now its own attitude towards Belgium. To this end, it makes the following declaration: First, the German Government has taken note of the views which the Belgian Government has thought fit to express. That is to say, (*a*) of the policy of independence which it intends to exercise in full sover-

> eignty; (*b*) of its determination to defend the frontiers of Belgium with all its forces against any aggression or invasion and to prevent Belgian territory from being used for purposes of aggression against another state as a passage or as a base of operation by land, by sea, or in the air, and to organize the defense of Belgium in an efficient manner to this purpose. Two: The German Government considers that the inviolability and integrity of Belgium are common interests of the Western Powers. It confirms its determination that in no circumstances will it impair this inviolability and integrity and that it will at all times respect Belgian territory except, of course, in the event of Belgium's taking part in a military action directed against Germany in an armed conflict in which Germany is involved. The German Government, like the British and French Governments, is prepared to assist Belgium should she be subjected to an attack or to invasion. * * *" (*TC–34*)

The following reply was made:

> "The Belgian Government has taken note with great satisfaction of the declaration communicated to it this day by the German Government. It thanks the German Government warmly for this communication." (*TC–34*)

Thus, in October 1937, Germany gave a solemn guarantee to this small nation of its peaceful aspiration towards her, and its assertion that the integrity of the Belgian frontier was a common interest between her and Belgium and the other Western Powers. Yet eighteen months afterwards Germany had violated that assurance.

That this declaration of October 1937 meant very little to the leaders and to the high command of Germany can be seen from a document which came into existence on 24 August 1938, at the time when the Czechoslovakia drama was unfolding, and when it was uncertain whether there would be war with the Western Powers. This Top Secret document is addressed to the General Staff of the 5th Section of the German Air Force, and deals with the subject, "Extended Case Green—Appreciation of the Situation with Special Consideration of the Enemy." Apparently some staff officer had been asked to prepare this appreciation. The last paragraph (No. H) reads:

> "Requests to Armed Forces Supreme Command, Army and Navy. * * *
>
> "Belgium and the Netherlands would, in German hands, represent an extraordinary advantage in the prosecution of the air war against Great Britain as well as against France.

> Therefore it is held to be essential to obtain the opinion of the Army as to the conditions under which an occupation of this area could be carried out and how long it would take, and in this case it would be necessary to reassess the commitment against Great Britain." (*375–PS*)

It was apparently assumed by the staff officer who prepared this document, and assumed quite rightly, that the leaders of the German nation and the High Command would not pay the smallest attention to the fact that Germany had given her word not to invade Holland or Belgium. It was recommended as a militarily advantageous thing to do, with the knowledge that, if the commanders and the Fuehrer agreed with that view, treaties would be completely ignored. Such was the honor of the German Government and of its leaders.

In March of 1939, the remainder of Czechoslovakia had been peacefully annexed, and the time had come for further guarantees. Assurances which were accordingly given to Belgium and the Netherlands on the 28th of April 1939 (*TC–30*). A guarantee was also made to Luxembourg in a speech by Hitler in the Reichstag, in which he dealt with a communication from Mr. Roosevelt, who was feeling a little uneasy as to Hitler's intentions (*TC–42–A*). In "The Nazi Plan," a motion picture shown to the Tribunal by the American prosecution (*3054–PS*), the delivery by Hitler of this part of this speech was shown. Hitler appeared in one of his jocular moods, as his words were greeted and delivered in a jocular vein. The film shows that Goering, who sits above Hitler in the Reichstag, appreciated very much the joke, the joke being this: That it is an absurd suggestion to make that Germany could possibly go to war with any of its neighbors.

In this speech Hitler declared:

> "Finally Mr. Roosevelt demands the readiness to give him an assurance that the German fighting forces will not attack the territory or possessions of the following independent nations, and above all, that they will not march into them. And he goes on to name the following as the countries in question: Finland, Latvia, Lithuania, Esthonia, Norway, Sweden, Denmark, Holland, Belgium, Great Britain, Ireland, France, Portugal, Spain, Switzerland, Lichtenstein, Luxembourg, Poland, Hungary, Rumania, Yugoslavia, Russia, Bulgaria, Turkey, Iraq, Arabia, Syria, Palestine, Egypt, and Iran.
>
> "Answer: I started off by taking the trouble to find out in the case of the countries listed, firstly, whether they feel themselves threatened, and secondly and particularly, whether this question Mr. Roosevelt has asked us was put as

> the result of a demarche by them or at least with their consent.
>
> "The answer was a general negative, which in some cases took the form of a blunt rejection. Actually, this counterquestion of mine could not be conveyed to some of the states and nations listed, since they are not at present in possession of their liberty (as for instance Syria), but are occupied by the military forces of democratic states, and therefore, deprived of all their rights.
>
> "Thirdly, apart from that, all the states bordering on Germany have received much more binding assurances and, above all, much more binding proposals than Mr. Roosevelt asked of me in his peculiar telegram." (*TC–42–A*)

Although that is sneering at Mr. Roosevelt, it is suggesting in the presence, among others, of Goering, as being quite absurd that Germany should nurture any warlike feeling against its neighbors. The hollow falsity of that declaration and of the preceding guarantee is shown by the minutes of Hitler's conference of the 23rd of May (*L–79*). The first page shows that those present included the Fuehrer, Goering, Raeder, von Brauchitsch, Keitel, Warlimont (Jodl's deputy), and various others. The purpose of the conference was an analysis of the situation, which proceeded in this fashion:

> "What will this struggle be like?"

* * * * * * *

> "The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored."

* * * * * * *

> "Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing a new defense line on Dutch soil up to the Zuider Zee." (*L–79*)

In Hitler's speech on 22 August, the following passage occurred:

> "Attack from the West from the Maginot Line: I consider this impossible.
>
> "Another possibility is the violation of Dutch, Belgium, and Swiss neutrality. I have no doubts that all these states as well as Scandinavia will defend their neutrality by all available means. England and France will not violate the neutrality of these countries." (*798–PS*)

Nevertheless, a further assurance was given by the Ambassador of Germany to the Belgian Government:

> "In view of the gravity of the international situation, I am

> expressly instructed by the Head of the German Reich to transmit to Your Majesty the following communication:
>
> "Though the German Government is at present doing everything in its power to arrive at a peaceful solution of the questions at issue between the Reich and Poland, it nevertheless desires to define clearly, here and now, the attitude which it proposes to adopt towards Belgium should a conflict in Europe become inevitable.
>
> "The German Government is firmly determined to abide by the terms of the declaration contained in the German note of October 13, 1937. This provides in effect that Germany will in no circumstances impair the inviolability of Belgium and will at all times respect Belgium territory. The German Government renews this undertaking; however, in the expectation that the Belgium Government, for its part, will observe an attitude of strict neutrality and that Belgium will tolerate no violations on the part of a third power, but that, on the contrary, she will oppose it with all the forces at her disposal. It goes without saying that if the Belgium Government were to adopt a different attitude, the German Government would naturally be compelled to defend its interests in conformity with the new situation thus created." (*TC–36*)

It seems likely that the decision having been made to violate Belgian neutrality, those last words were put in to afford some excuse in the future.

A similar document assurance was communicated to Her Majesty the Queen of the Netherlands on the same day, 26 August 1939 (*TC–40*). Likewise assurances were given to Luxembourg at the same time. It is in the same terms as the other two assurances, and amounts to a complete guarantee with the sting in the tail (*TC–42*). Poland was occupied by means of a lightning victory, and in October 1939 German armed forces were free for other tasks. The first step that was taken, so far as the Netherlands and Belgium are concerned, was a German assurance on 6 October 1939, as follows:

> "Belgium.
>
> "Immediately after I had taken over the affairs of the state I tried to create friendly relations with Belgium. I renounced any revision or any desire for revision. The Reich has not made any demands which would in any way be likely to be considered in Belgium as a threat." (*TC–32*)

A similar assurance was made to the Netherlands on the same day:

> "The new Reich has endeavored to continue the traditional

> friendship with Holland. It has not taken over any existing differences between the two countries and has not created any new ones." (*TC–32*)

The value of these pledges of Germany's good faith is shown by an order issued on the very next day, 7 October. This order was from the Commander-in-Chief of the Army, Von Brauchitsch, and was addressed to various Army Groups. The third paragraph provided:

> "The Dutch Border between Ems and Rhine is to be observed only.
>
> "At the same time, Army Group B has to make all preparations according to special orders, for immediate invasion of Dutch and Belgian territory, if the political situation so demands." (*2329–PS*)

Two days later, on 9 October, Hitler directed that:

> "Preparations should be made for offensive action on the northern flank of the Western Front crossing the area of Luxembourg, Belgium and Holland. This attack must be carried out as soon and as forcefully as possible. * * *"
>
> * * * * * * *
>
> "The object of this attack is to acquire as great an area of Holland, Belgium and Northern France as possible." (*C–62*)

That document is signed by Hitler himself. It is addressed to the Supreme Commander of the Army, Keitel; Navy, Raeder; and Air Minister and Commander in Chief of the Air Force, Goering. On 15 October 1939, a supplementary order was issued from the Supreme Command of the Armed Forces. It was signed by Keitel in his familiar red pencil signature, and was addressed to Raeder, Goering, and the General Staff of the Army. It declared, in part:

> "It must be the object of the Army's preparations, therefore, to occupy—on receipt of a special order—the territory of Holland, in the first instance as far as the Grebbe-Maas line." (*C–62*)

The second paragraph deals with the taking possession of the West Frisian islands.

It is clear that from that moment the decision to violate the neutrality of these three countries had been made. All that remained was to work out the details, to wait until the weather became favorable, and in the meantime, to give no hint that Germany's word was about to be broken again. Otherwise, these small countries might have had some chance of combining with themselves and their neighbors.

Another Keitel directive, again sent to the Supreme Commanders of the Army, Navy, and Air Forces, gives details of how the attack is to be carried out. The following are pertinent passages:

> "Contrary to previously issued instructions, all action intended against Holland may be carried out without a special order which the general attack will start.
>
> "The attitude of the Dutch armed forces cannot be anticipated ahead of time."

* * * * * * *

> "Wherever there is no resistance, the entry should carry the character of a peaceful occupation."

* * * * * * *

> "At first the Dutch area, including the West-Frisian islands situated just off the coast, for the present without Texel, is to be occupied up to the Grebbe-Maas line."
>
> "The 7th Airborne Division will be committed for the airborne operation only after the possession of bridges across the Albert Canal" (in Belgium) "has been assured." (*440–PS*)

In addition to Belgium and Holland, the document, in paragraph (5) and (6)(b) mentions Luxembourg. The signature of Keitel is typed. It is authenticated by a staff officer.

A later order of 28 November 1939, over the signature of Keitel, in the usual red pencil, is addressed to the Army, Navy, and Airforce. It states that if a quick break-through should fail north of Liege, other machinery for carrying out the attack will be used. Paragraph 2 shows clearly that the Netherlands is to be violated. It speaks of "The occupation of Walcheren Island and thereby Flushing harbor, or of some other southern Dutch island especially valuable for our sea and air warfare," and "*b* Taking of one or more Maas crossings between Namur and Dinant * * *." (*C–10*)

From November until March of 1940 the High Command and the Fuehrer were waiting for favorable weather before A-Day, as they called it. That referred to the attack on Luxembourg, Belgium and the Netherlands. The successive postponements are shown in a series of orders which range in date from 7 November 1939 until 9 May 1940, and which are all signed either by Keitel or by Jodl. (*C–72*)

On 10 January 1940, a German airplane made a forced landing in Belgium. The occupants endeavored to burn the orders of which they were in possession, but they were only partially successful. Among the papers which were captured is an order to the Commander of the Second Army Group, Air Force Group—Luftflotte—the Second Air Force Fleet, clearly for offensive action against France, Holland, and Belgium. It deals with the disposition of the Belgian Army. The Belgian Army covers the Liege-Antwerp Line. Then it deals with the disposition of the Dutch Army. The German Western Army is accordingly directing its attack between the North Sea and the Moselle, with the strongest possible air-force support, through the Belgo-Luxembourg region. The rest consists of operational details as to the bombing of the various targets in Belgium and in Holland. (*TC-58*)

The nature of the Army's planning is shown in the 1 February 1940 entry in Jodl's diary, which reads in part as follows:

> "1. Behavior of parachute units. In front of The Hague they have to be strong enough to break in if necessary by sheer brute force. The 7th Division intends to drop units near the town.
>
> "2. Political mission contrasts to some extent with violent action against the Dutch air force." (*1809-PS*)

The entry for 2 February 1940 states that "landings can be made in the centre of The Hague." On 26 February Jodl wrote: "Fuehrer raises the question whether it is better to undertake the Weser Exercise before or after case 'Yellow.'" On 3 March, he recorded the answer: "Fuehrer decides to carry out Weser Exercise before case 'Yellow', with a few days' interval." And on May 8, two days before the invasion, Jodl made this entry:

> "Alarming news from Holland, cancelling of furloughs, evacuations, road-blocks, other mobilization measures; according to reports of the intelligence service the British have asked for permission to march in, but the Dutch have refused." (*1809-PS*)

In other words, the Germans objected because the Dutch were actually making some preparation to resist their endeavor. Furthermore, the Dutch armies, according to the Germans' own intelligence reports, were still adhering properly to their neutrality.

At 4:30 a.m. on 10 May, the months of planning bore fruit, and Holland, Belgium, and Luxembourg were violently invaded with all the fury of modern warfare. No warning was given by Germany and no complaint was made by Germany of any breaches of neutrality before this action was taken.

After the invasion of each of the three countries was a fait accompli, the German Ambassador called upon representatives of the three Governments some hours later and handed them documents which were similar in each case, and which are described as memoranda or ultimatums. An account of what happened in Belgium is contained in an official Belgian report:

> "From 4:30 information was received which left no shadow

of doubt: the hour had struck. Aircraft were first reported in the east. At five o'clock came news of the bombing of two Netherlands aerodromes, the violation of the Belgian frontier, the landing of German soldiers at the Eben-Emael Fort, the bombing of the Jemelle station."

* * * * * * *

"At 8:30 the German Ambassador came to the Ministry of Foreign Affairs. When he entered the Minister's room, he began to take a paper from his pocket. M. Spaak" [Belgian Foreign Minister] "stopped him 'I beg your pardon, Mr. Ambassador. I will speak first.' And in an indignant voice, he read the Belgian Government's protest: 'Mr. Ambassador, the German Army has just attacked our country. This is the second time in twenty-five years that Germany has committed a criminal aggression against a neutral and loyal Belgium. What has just happened is perhaps even more odious than the aggression of 1914. No ultimatum, no note, no protest of any kind has ever been placed before the Belgian Government. It is through the attack itself that Belgium has learned that Germany has violated the undertakings given by her on October 13th, 1937, and renewed spontaneously at the beginning of the war. The act of aggression committed by Germany, for which there is no justification whatever, will deeply shock the conscience of the world. The German Reich will be held responsible by history. Belgium is resolved to defend herself. Her cause, which is the cause of Right, cannot be vanquished'."

* * * * * * *

"The Ambassador was then able to read the note he had brought: 'I am instructed by the Government of the Reich,' he said, 'to make the following declaration: In order to forestall the invasion of Belgium, Holland, and Luxembourg, for which Great Britain and France have been making preparations clearly aimed at Germany, the Government of the Reich is compelled to ensure the neutrality of the three countries mentioned by means of arms. For this purpose, the Government of the Reich will bring up an armed force of the greatest size, so that resistance of any kind will be useless. The Government of the Reich guarantees Belgium's European and colonial territory, as well as her dynasty, on condition that no resistance is offered. Should there be any resistance, Belgium will risk the destruction of her country and loss of her independence. It is therefore, in the interests of Belgium that the population be called upon to cease all resistance and

> that the authorities be given the necessary instructions to make contact with the German Military Command."
>
> * * * * * * *
>
> "In the middle of this communication, M. Spaak, who had by his side the Secretary-General of the Department, interrupted the Ambassador: 'Hand me the document', he said. 'I should like to spare you so painful a task.' After studying the note, M. Spaak confined himself to pointing out that he had already replied by the protest he had just made. * * *" (*TC-58*)

The so-called ultimatum, which was delivered some hours after the invasion had started, read in part as follows:

> "The Reich Government has for a long time had no doubts as to what was the chief aim of the British and French war policy. It consists of the spreading of the war to other countries, and of the misuse of their peoples as auxiliary and mercenary troops for England and France.
>
> "The last attempt of this sort was the plan to occupy Scandinavia with the help of Norway, in order to set up a new front against Germany in this region. It was only Germany's last minute action which upset the project. Germany has furnished documentary evidence of this before the eyes of the world.
>
> "Immediately after the British-French action in Scandinavia miscarried, England and France took up their policy of war expansion in another direction. In this respect, while the retreat in flight of the British troops from Norway was still going on, the English Prime Minister announced that, as a result of the altered situation in Scandinavia, England was once more in a position to go ahead with the transfer of the full weight of her navy to the Mediterranean, and that English and French units were already on the way to Alexandria. The Mediterranean now became the center of English-French war propaganda. This was partly to gloss over the Scandinavian defeat and the big loss of prestige before their own people and before the world, and partly to make it appear that the Balkans had been chosen for the next theater of war against Germany.
>
> "In reality, however, this apparent shifting to the Mediterranean of English-French war policy had quite another purpose. It was nothing but a diversion manoeuvre in grand style, to deceive Germany as to the direction of the next English-French attack. For, as the Reich Government has long been aware, the true aim of England and France is the

> carefully prepared and now immediately imminent attack on Germany in the West, so as to advance through Belgium and Holland to the region of the Ruhr.
>
> "Germany has recognized and respected the inviolability of Belgium and Holland, it being of course understood that these two countries in the event of a war of Germany against England and France would maintain the strictest neutrality.
>
> "Belgium and the Netherlands have not fulfilled this condition." (*TC–57*)

The so-called ultimatum goes on to complain of the hostile expressions in the Belgian and the Netherlands Press, and to allege attempts by the British Intelligence to bring a revolution into Germany with the assistance of Belgium and the Netherlands. Reference is made to military preparation of the two countries, and it is pointed out that Belgium has fortified the Belgian frontier. A complaint was made in regard to Holland, that British aircraft had flown over the Netherlands country. Other charges were made against the neutrality of these two countries, although no instances were given (*TC–57*). The document continued:

> "In this struggle for existence forced upon the German people by England and France, the Reich Government is not disposed to await submissively the attack by England and France and to allow them to carry the war over Belgium and the Netherlands into German territory. It has therefore now issued the command to German troops to ensure the neutrality of these countries by all the military means at the disposal of the Reich." (*TC–57*)

It is unnecessary, in view of the documents previously adverted to, to emphasize the falsity of that statement. It is now known that for months preparations had been made to violate the neutrality of these three countries. This document is merely saying, "The orders to do so have now been issued."

A similar document, similar in terms altogether, was handed to the representatives of the Netherlands Government; and a memorandum was sent to the Luxembourg Government, which enclosed with it a copy of the document handed to the Governments of Belgium and the Netherlands. The second paragraph of the latter declared:

> "In defense against the imminent attack, the German troops have now received the order to safeguard the neutrality of these two countries * * *". (*TC–60*)

The protest of the Belgium Government against the crime which was committed against her is contained in *TC–59*.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO AGGRESSION AGAINST BELGUIM, THE NETHERLANDS AND LUXEMBOURG

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (F) 5; V..................	I	27,29
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*375-PS	Case Green with wider implications, report of Intelligence Division, Luftwaffe General Staff, 25 August 1938. (USA 84)..........	III	280
*440-PS	Directive No. 8 signed by Keitel, 20 November 1939, for the conduct of the war. (GB 107)............	III	397
*798-PS	Hitler's speech to Commanders-in-Chief, at Obersalzberg, 22 August 1939. (USA 29)............	III	581

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*1809–PS	Entries from Jodl's diary, February 1940 to May 1940. (GB 88)...	IV	377
*2329–PS	Order by Commander in Chief of the Army, 7 October 1939. (GB 105).........................	IV	1037
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167)........	V	801
*C–10	OKW directive, 28 November 1939, signed by Keitel, subject: Employment of 7th Flieger Division. (GB 108).................	VI	817
*C–62	Directive No. 6 on the conduct of war, signed by Hitler, 9 October 1939; directive by Keitel, 15 October 1939 on Fall "Gelb". (GB 106).	VI	880
*C–72	Orders postponing "A" day in the West, November 1939 to May 1940. (GB 109).................	VI	893
*L–52	Memorandum and Directives for conduct of war in the West, 9 October 1939. (USA 540)...........	VII	800
*L–79	Minutes of conference, 23 May 1939, "Indoctrination on the political situation and future aims". (USA 27)......................	VII	847
*TC–3	Hague Convention (3) Relative to opening of Hostilities. (GB 2).....	VIII	279
*TC–4	Hague Convention (5) Respecting Rights and Duties of Neutral Powers and Persons in War on Land. (GB 2).................	VIII	282
*TC–13	Arbitration Convention between Germany and Belgium at Locarno, 16 October 1925. (GB 15)........	VIII	320
*TC–16	Convention of Arbitration and conciliation between Germany and the Netherlands, signed at The Hague, 20 May 1926. (GB 97)....	VIII	337

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*TC-19	Kellogg-Briand Pact at Paris. 1929 Reichsgesetzblatt, Part II, No. 9, pp. 97–101. (GB 18)	VIII	359
*TC-20	Treaty of Arbitration and Conciliation between Germany and Luxembourg, signed at Geneva, 11 September 1929. (GB 98)	VIII	362
*TC-30	German assurance to Denmark, Norway, Belgium, and the Netherlands, 28 April 1939, from Documents of German Politics, Part VII, I, pp. 139, 172–175. (GB 78)	VIII	379
*TC-32	German assurance to Norway, 6 October 1939, from Documents of German Politics, Vol. VII, p. 350. (GB 80)	VIII	381
*TC-33	German assurance to Belgium and the Netherlands, 30 January 1937, from Documents of German Politics, Part IV, pp. 42–43. (GB 99)	VIII	381
*TC-34	German Declaration to the Belgian Minister of 13 October 1937. (GB 100)	VIII	381
*TC-36	Declaration made by Ambassador of Germany on 26 August 1939. (GB 102)	VIII	382
TC-37	German assurance to Belgium, 6 October 1939, from Documents of German Politics, Vol. VII, p. 351	VIII	383
*TC-40	Declaration of German Minister to the Netherlands, 26 August 1939. (GB 103)	VIII	383
TC-41	German assurance to the Netherlands, 6 October 1939, from Documents of German Politics, Vol. VII, p. 351	VIII	384
*TC-42	German assurance to Luxemburg, 26 August 1939. (GB 104)	VIII	384

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*TC–42–A	German assurance to Luxemburg, 28 April 1939. (GB 101)	VIII	385
*TC–57	German ultimatum to Belgium and the Netherlands, 9 May 1940, from Documents of German Politics, Part VIII, pp. 142–150. (GB 112)	VIII	416
*TC–58	"Belgium, the official account of what happened 1939–1940". (GB 111)	VIII	421
*TC–58–A	Secret instruction to the Commander of 2nd Luftflotte found in German Aeroplane of 10 January 1940. (GB 110)	VIII	423
*TC–59	Protest from Belgium, 10 May 1940, following German aggression. (GB 111)	VIII	429
*TC–60	German memorandum to Luxemburg, 9 May 1940, from Documents of German Politics, Part VIII, pp. 150–151. (GB 113)	VIII	431
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11. AGGRESSION AGAINST GREECE AND YUGOSLAVIA

A. *Treaties and Assurances Breached.*

The invasions of Greece and of Yugoslavia by the Germans, which took place in the early hours of the morning of 6 April 1941, constituted direct breaches of The Hague Convention of 1899 on the Pacific Settlement of International Disputes, and of the Kellog-Briand Pact of 1928. In the case of Yugoslavia, the invasion further constituted a breach of an express assurance by the Nazis.

The assurance was originally given in a German Foreign Office release made in Berlin on 28 April 1938 (*2719–PS*), but was subsequently repeated by Hitler himself on 6 October 1939 in a speech he made in the Reichstag. The German Foreign Office release on 28 April 1938 reads, in part:

> "Berlin, 28 April 1938. The State Secretary of the German Foreign Office to the German Diplomatic Representatives.
>
> "As a consequence of the reunion of Austria with the Reich, we have now new frontiers with Italy, Yugoslavia, Switzerland, Liechtenstein, and Hungary. These frontiers are regarded by us as final and inviolable. On this point the following special declarations have been made:"
>
> * * * * * * *
>
> "3. Yugoslavia.
>
> "The Yugoslav Government have been informed by authoritative German quarters that German policy has no aims beyond Austria, and that the Yugoslav frontier would in any case remain untouched. In his speech made at Graz on 3 April, the Fuehrer and Chancellor stated that, in regard to the reunion of Austria, Yugoslavia and Hungary had adopted the same attitude as Italy. We were happy to have frontiers there which relieved us of all anxiety about providing military protection for them." (*2719–PS*)

In a speech made on the occasion of the dinner in honor of the Prince Regent of Yugoslavia on 1 June 1939, Hitler declared:

> "The German friendship for the Yugoslav nation is not only a spontaneous one. It gained depth and durability in the midst of the tragic confusion of the world war. The German soldier then learned to appreciate and respect his extremely brave opponent. I believe that this feeling was reciprocated. This mutual respect finds confirmation in common political, cultural and economic interests. We therefore look upon your Royal Highness's present visit as a living proof of the accuracy of our view, and at the same time on that account we derive from it the hope that German-Yugoslav friendship may continue further to develop in the future and to grow ever closer.
>
> "In the presence of your Royal Highness, however, we also perceive a happy opportunity for a frank and friendly exchange of views which, and of this I am convinced, in this sense can only be fruitful to our two peoples and States. I believe this all the more because a firmly established reliable relationship of Germany to Yugoslavia, now that, owing to historical events, we have become neighbors with common

> boundaries fixed for all time, will not only guarantee lasting peace between our two peoples and countries, but can also represent an element of calm to our nerve-wracked continent. This peace is the goal of all who are disposed to perform really constructive work." (*TC–92*)

As is now known this speech was made at the time when Hitler had already decided upon the European war. It occurred a week after the Reichschancellery conference recorded in the Schmundt note (*L–79*). The reference to "nerve-wracked continent" might perhaps be attributed to the war of nerves which Hitler had himself been conducting for many months. The German Assurance to Yugoslavia on 6 October 1939 was in these terms:

> "Immediately after the completion of the Anschluss I informed Yugoslavia that, from now on, the frontier with this country would also be an unalterable one, and that we only desire to live in peace and friendship with her." (*TC–43*)

B. *Planning for Invasion: Collaboration with Italy and Bulgaria.*

Despite the obligation of Germany under the Convention of 1899, and the Kellogg-Briand Pact, and under the foregoing Assurance which I have read, the fate of both Greece and Yugoslavia had, as is now known, been sealed ever since the meeting between Hitler, Ribbentrop, and Ciano at Obersalzberg, 12 and 13 August 1939 (*TC–77*). The effect of the meeting was that Hitler and Ribbentrop, only two months after the dinner to the Prince Regent, were seeking to persuade Italy to make war on Yugoslavia at the same time that Germany was to commence hostilities against Poland, which Hitler had decided to do in the very near future. Ciano while evidently in entire agreement with Hitler and Ribbentrop as to the desirability of liquidating Yugoslavia, and while himself anxious to secure Salonika, stated that Italy was not yet ready for a general European war. Thus, despite all the persuasion which Hitler and Ribbentrop exerted at the meeting, it became necessary for the Nazi conspirators to reassure their intended victim, Yugoslavia, since in fact Italy maintained its position and did not enter the war when Germany invaded Poland, and since the Germans themselves were not yet ready to strike in the Balkans. It was apparently for this reason that on 6 October, through Hitler's speech, the Nazis repeated the assurance they had made in April 1938. It is a matter of history that after the defeat of the Allied Armies in May and June 1940, the Italian Government declared war on France and that subsequently, at three o'clock in the morning on 28 October

1940, the Italian Minister at Athens presented the Greek Government with a 3 hour ultimatum, upon the expiration of which Italian troops were already invading the soil of Greece.

This event was reported by the British Minister at Athens in these words:

> "The president of the council has assured himself an outstanding place in Greek history and, whatever the future may bring, his foresight in quietly preparing his country for war and his courage in rejecting without demur the Italian ultimatum when delivered in the small hours of that October morning, will surely obtain an honorable mention in the story of European statecraft. He means to fight until Italy is completely defeated and this reflects the purpose of the whole Greek nation."

A letter from Hitler to Mussolini, which is undated but which —this is clear from the contents—must have been written shortly after the Italian invasion of Greece on 28 November 1940, contained these sentiments:

> "Jugoslavia must become disinterested, if possible however from our point of view interested in cooperating in the liquidation of the Greek question. Without assurances from Jugoslavia, it is useless to risk any successful operation in the Balkans.
>
> "Unfortunately, I must stress the fact that waging a war in the Balkans before March is impossible. Therefore, any threatening move towards Jugoslavia would be useless, since the impossibility of a materialization of such threats before March is well known to the Serbian general staff. Therefore, Jugoslavia must, if at all possible, be won over by other means and other ways." (*2762-PS*)

It was at this time that Hitler was making his plans for the offensive in the Spring of 1941, which included the invasion of Greece from the north. It was an integral part of those plans that Yugoslavia should be induced to cooperate in them or at least to maintain a disinterested attitude towards the liquidation of the other Balkan States. These facts are disclosed in a "Top Secret Directive" issued from the Fuehrer's Headquarters, signed by Hitler, initialed by Jodl, and dated 12 November 1940. This order reads, in part:

> *"Directive No. 18.*
>
> "The preparatory measures of Supreme HQ for the prosecution of the war in the near future are to be made along the following lines.* * *" (*444-PS*)

After sections dealing with operations against Gibraltar and an offensive against Egypt, the order continues:

> "*Balkans*
>
> "The commanders-in-chief of the Army will make preparations for occupying the Greek mainland north of the Aegean Sea in case of need, entering through Bulgaria, and thus make possible the use of German air force units against targets in the Eastern Mediterranean, in particular against those English air bases which are threatening the Rumanian oil area.
>
> "In order to be able to face all eventualities and to keep Turkey in check, the use of an army group of an approximate strength of ten divisions is to be the basis for the planning and the calculations of deployment. It will not be possible to count on the railway, leading through Yugoslavia, for moving these forces into position.
>
> "So as to shorten the time needed for the deployment, preparations will be made for an early increase in the German Army mission in Roumania, the extent of which must be submitted to me.
>
> "*The commander-in-chief of the Air Force* will make preparations for the use of German Air Force units in the South East Balkans and for aerial reconnaissance on the southern border of Bulgaria, in accordance with the intended ground operations." (*444–PS*)

The positions of the Italian invading forces in Greece in December 1940 may be summarized in the words in which the British Minister reported to Foreign Secretary Eden:

> "The morale of the Greek Army throughout has been of the highest, and our own naval and land successes at Tarento and in the Western Desert have done much to maintain it. With relatively poor armaments and the minimum of equipment and modern facilities they have driven back or captured superior Italian forces more frequently than not at the point of the bayonet. The modern Greeks have thus shown that they are not unworthy of the ancient tradition of their country and that they, like their distant forbears, are prepared to fight against odds to maintain their freedom."

In fact, the Italians were getting the worst of it, and it was time that Hitler came to the rescue with the order for the German attack on Greece.

This Directive of 13 December 1940, which is Top Secret Directive number 20, dealing with Operation *Marita,* bears a distribution list which shows that copies went to the Commander of the Navy (Raeder), to the Commander of the Air Force (Goering), to the Supreme Commander of the Armed Forces (Keitel), and to the Command Staff (Jodl). The first two paragraphs state:

> "The result of the battles in Albania is not yet decisive. Because of a dangerous situation in Albania it is doubly necessary that the British endeavour be foiled to create air bases under the protection of a Balkan front, which would be dangerous above all to Italy as well as to the Rumanian oil fields.
>
> "My plan, therefore, is (*a*) to form a slowly increasing task force in Southern Rumania within the next months. (*b*) After the setting in of favorable weather, probably in March, to send the task force for the occupation of the Aegean North coast by way of Bulgaria, and if necessary to occupy the entire Greek mainland (Operation *Marita*). The support of Bulgaria is to be expected." (*1541-PS*)

The next paragraph gives the forces for the operation, and paragraph 4 deals with the operation *Marita* itself. Paragraph 5 states:

> "The Military preparations which will produce exceptional political results in the Balkans demand the exact control of all the necessary measures by the General Staff. The transport through Hungary and the arrival in Rumania will be reported step by step by the General Staff of the Armed Forces, and are to be explained at first as a strengthening of the German Army mission in Rumania.
>
> "Consultations with the Rumanians or the Bulgarians which may point to our intentions as well as notification of the Italians are each subject to my consent, also the sending of scouting missions and advanced parties." (*1541-PS*)

Another "Top Secret Directive" carries the plan a little farther. It deals with decisive action in support of the Italian forces in Tripoli and in Albania. The first short paragraph reads:

> "The situation in the Mediterranean Theater of Operations demands for strategical political and psychological reasons German assistance, due to employment of superior forces by England against our allies." (*448-PS*)

Paragraph three, after dealing with the forces to be transferred to Albania, sets out what the duties of the German forces will be:

> "*a*. To serve in Albania for the time being as a reserve for an emergency case, should new crises arise there.

> "*b.* To ease the burden of the Italian Army group when later attacking with the aim:
>
> "To tear open the Greek defense front on a decisive point for a far-reaching operation.
>
> "To open up the straits west of Salonika from the back in order to support thereby the frontal attack of List's Army." (*448–PS*)

That directive was signed by Hitler, and, as shown on the original, was initialed by both Keitel and Jodl. A copy went to Raeder, and the copy sent to Foreign Intelligence presumably reached Ribbentrop.

A conference took place on 19 and 20 January between Keitel and the Italian General, Guzzoni. This was followed by a meeting between Hitler and Mussolini, at which Ribbentrop, Keitel, and Jodl were present. In the speech which the Fuehrer made on 20 January 1941, after the conference with the Italians, he declared:

> "* * * The massing of troops in Roumania serves a threefold purpose:
>
> "*a.* An operation against Greece.
>
> "*b.* Protection of Bulgaria against Russia and Turkey.
>
> "*c.* Safeguarding the guarantee to Roumania.
>
> "Each of these tasks requires its own group of forces, altogether therefore very strong forces whose deployment far from our base requires a long time.
>
> "Desirable that this deployment is completed without interference from the enemy. Therefore disclose the game as late as possible. The tendency will be to cross the Danube at the last possible moment and to line up for attack at the earliest possible moment." (*C–134*)

At a conference between Field Marshal List and the Bulgarians, on 8 February, the following plans were discussed:

> "Minutes of questions discussed between the representatives of the Royal Bulgarian General Staff and the German Supreme Command—General Field Marshal List—in connection with the possible movement of German troops through Bulgaria and their commitment against Greece and possibly against Turkey, if she should involve herself in the war."
>
> * * * * * * *
>
> "* * * The Bulgarian and the German general staff will take all measures in order to camouflage the preparation of the operations and to assure in this way the most favorable conditions for the execution of the German operations as planned.

> "The representatives of the two general staffs consider it to be suitable to inform their governments that it will be good to take the necessity of secrecy and surprise into consideration when the three-power treaty is signed by Bulgaria, in order to assure the success of the military operations." (*1746–PS*)

A further top secret directive of 19 February sets the date for the Operation *Marita* (*C–59*). It states that the bridge across the Danube is to be begun on 28 February, the river crossed on 2 March, and the final orders to be issued on 26 February at the latest. On the original of this order the actual dates are filled in in the handwriting of Keitel.

The position of Bulgaria at this moment was this: Bulgaria adhered to the Three-Power Pact on 1 March 1941. On the same day the entry of German troops into Bulgaria began in accordance with the Plan *Marita* and associated directives already referred to. The landing of British troops in Greece on 3 March, in accordance with the guarantee given in the spring of 1939 by the British Government, may have accelerated the movement of the German forces. In any event, as has been shown, the invasion of Greece had been planned long beforehand and was already in progress at this time.

A short extract from a report by Raeder on an interview with Hitler, which the original shows took place in the presence of Keitel and Jodl at 1600 hours on 18 March, shows the ruthless nature of the German intentions:

> "The C in C of the Navy asks for confirmation that the whole of Greece will have to be occupied even in the event of a peaceful settlement.
>
> "*Fuehrer*: The complete occupation is a prerequisite of any settlement." (*C–167*)

This report shows, it seems clear, that the Nazi conspirators, in accordance with their principle of liquidating any neutral which did not remain disinterested, had made every preparation by the end of January and were at this date in the process of moving the necessary troops to ensure the final liquidation of Greece, which was already at war with, and getting the better of, their Italian allies.

C. *Lulling the Unsuspecting Victim.*

They were not yet, however, ready to deal with Yugoslavia, towards which their policy accordingly remained one of lulling the unsuspecting victim. On 25 March, in accordance with this policy, the adherence of Yugoslavia to the Three-Power Pact was secured. This adherence followed a visit on 15 February 1941 by the Yugoslav Premier Cvetkovic and the Foreign Minister Cinkar-Markvic to Ribbentrop at Salzburg and subsequently to Hitler at Berchtesgaden, after which these ministers were induced to sign the Pact at Vienna on 25 March. On this occasion Ribbentrop wrote the two letters of assurance. The first made this guarantee:

> "Notes of the Axis Governments to Belgrade.
>
> "At the same time, when the protocol on the entry of Yugoslavia to the Tri-Partite Pact was signed, the governments of the Axis Powers sent to the Yugoslavian Government the following identical notes:
>
> " 'Mr. Prime Minister:
>
> " 'In the name of the German Government and at its behest, I have the honor to inform Your Excellency of the following:
>
> " 'On the occasion of the Yugoslavian entry today into the Tri-Partite Pact, the German Government confirms its determination to respect the sovereignty and territorial integrity of Yugoslavia at all times.' " (*2450-PS*)

That letter was signed by Ribbentrop, who was present at the meeting in August 1939 when he and Hitler tried to persuade the Italians to invade Yugoslavia. It was in fact 11 days after this letter was written that the Germans did invade Yugoslavia, and two days after the letter was written that they issued the necessary order.

The second letter reads:

> "Mr. Prime Minister:
>
> "With reference to the conversations that occurred in connection with the Yugoslavian entry into the Tri-Partite Pact, I have the honor to confirm to Your Excellency herewith in the name of the Reich Cabinet [Reichsregierung], that in the agreement between the Axis powers and the Royal Yugoslavian Government, the governments of the Axis powers during this war will not direct a demand to Yugoslavia to permit the march or transportation of troops through Yugoslavian national territory." (*2450-PS*)

The position at this stage, 25 March 1941, was therefore that German troops were already in Bulgaria moving towards the Greek frontier, while Yugoslavia had, to use Hitler's own term in his letter to Mussolini, "become disinterested" in the cleaning up of the Greek question.

The importance of the adherence of Yugoslavia to the Three-Power Pact appears very clearly from an extract from the minutes of a meeting between Hitler and Ciano. The first paragraph states:

> "The Fuehrer first expressed his satisfaction with Yugoslavia's joining the Tri-Partite Pact and the resulting definition of her position. This is of special importance in view of the proposed military action against Greece, for, if one considers that for 350 to 400 kilometers the important line of communication through Bulgaria runs within 20 kilometers of the Yugoslav border, one can judge that with a dubious attitude of Yugoslavia an undertaking against Greece would have been militarily an extremely foolhardy venture." (*2765–PS*)

Again, it is a matter of history that on the night of 26 March 1941, when the two Yugoslav ministers returned to Belgrade, General Simovic and his colleagues effected their removal by a *coup d'état,* and Yugoslavia emerged on the morning of 27 March ready to defend, if need be, its independence.

D. *Further Planning for Attack.*

The Nazis reacted rapidly to this altered situation, and the immediate liquidation of Yugoslavia was decided on. A conference of Hitler and the German High Command on the situation in Yugoslavia took place on 27 March 1941. Those present included the Fuehrer; the Reich Marshall (Goering); Chief, OKW, (Keitel); and the Chief of the *Wehrmacht Fuehrungstab,* (Jodl). A report of the conference notes that "later on the following persons were added," and among them is included Ribbentrop (*1746–PS*). Hitler's statement proceeded as follows:

> "The Fuehrer describes Yugoslavia's situation after the *coup d'etat.* Statement that Yugoslavia was an uncertain factor in regard to the coming Marita action and even more in regard to the Barbarossa undertaking later on. Serbs and Slovenes were never pro-German."
>
> * * * * * * *
>
> "The present moment is for political and military reasons favorable for us to ascertain the actual situation in the country and the country's attitude toward us, for if the overthrow of the Government would have happened during the *Barbarossa* action, the consequences for us probably would have been considerably more serious."
>
> * * * * * * *
>
> "The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and as a

> national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav government, which cannot be trusted anyhow in the future will be taken note of. The attack will start as soon as the means and troops suitable for it are ready.
>
> "It is important that actions will be taken as fast as possible. An attempt will be made to let the bordering states participate in a suitable way. An actual military support against Yugoslavia is to be requested of Italy, Hungary, and in certain respects of Bulgaria too. Roumania's main task is the protection against Russia. The Hungarian and the Bulgarian ambassador have already been notified. During the day a message will still be addressed to the Duce.
>
> "Politically, it is especially important that the blow against Yugoslavia is carried out with unmerciful harshness and that the military destruction is done in a lightning-like undertaking. In this way, Turkey would become sufficiently frightened and the campaign against Greece later on would be influenced in a favorable way. It can be assumed that the Croats will come to our side when we attack. A corresponding political treatment (autonomy later on) will be assured to them. The war against Yugoslavia should be very popular in Italy, Hungary and Bulgaria, as territorial acquisitions are to be promised to these states; the Adria coast for Italy, the Banat for Hungary, and Macedonia for Bulgaria.
>
> "This plan assumes that we speed up the schedule of all preparations and use such strong forces that the Yugoslav collapse will take place within the shortest time." (*1746–PS*)

Thus it appears that two days after Yugoslavia had signed the Tri-Partite Pact and the Nazis had given assurances, simply because there had been a *coup d'etat* and it was possible that the operations against Greece might be affected, the destruction of Yugoslavia was decided on without any question of taking the trouble to ascertain the views of the new Government.

The report of the meeting continues:

> "5. The main task of the Air Force is to start as early as possible with the destruction of the Yugoslavian Air Force ground installations and to destroy the capital Belgrade in attacks by waves." (*1746–PS*)

It is again a matter of history that the residential areas of Belgrade were bombed at 7 o'clock on the following Sunday morning, 6 April 1941.

At that same meeting of 27 March 1941 a tentative plan, drawn up by Jodl, was offered:

> "In the event that the political development requires an armed intervention against Yugoslavia, it is the German intention to attack Yugoslavia in a concentric way as soon as possible, to destroy her armed forces, and to dissolve her national territory." (*1746–PS*)

An order (Directive No. 25) was issued after the meeting of 27 March. The first paragraph reads:

> "The military putsch in Yugoslavia has altered the political situation in the Balkans. Yugoslavia must, in spite of her protestations of loyalty, for the time being be considered as an enemy and therefore be crushed as speedily as possible." (*C–127*)

As another result of the meeting, a telegram, containing a letter from Hitler to Mussolini, was forwarded to the German Ambassador in Rome by Hitler and Ribbentrop. It was written to advise Mussolini of the course decided on, and under the guise of somewhat fulsome language the Duce was given his orders. The first five paragraphs read:

> "Duce, Events force me to give you, Duce, by this the quickest means, my estimation of the situation and the consequences which may result from it.
>
> "(1) From the beginning I have regarded Yugoslavia as a dangerous factor in the controversy with Greece. Considered from the purely military point of view, German intervention in the war in Thrace would not be at all justified, as long as the attitude of Yugoslavia remains ambiguous and she could threaten the left flank of the advancing columns, on our enormous front.
>
> "(2) For this reason I have done everything and honestly have endeavored to bring Yugoslavia into our community bound together by mutual interests. Unfortunately these endeavors did not meet with success, or they were begun too late to produce any definite result. Today's reports leave no doubt as to the imminent turn in the foreign policy of Yugoslavia.
>
> "(3) I don't consider this situation as being catastrophic, but nevertheless a difficult one, and we on our part must avoid any mistake if we do not want in the end to endanger our whole position.
>
> "(4) Therefore I have already arranged for all necessary measures in order to meet a critical development with necessary military means. The change in the deployment of our troops has been ordered also in Bulgaria. Now I would cordially request you, Duce, not to undertake any further opera-

> tions in Albania in the course of the next few days. I consider it necessary that you should cover and screen the most important passes from Yugoslavia into Albania with all available forces.
>
> "These measures should not be considered as designed for a long period of time, but as auxiliary measures designed to prevent for at least fourteen days to three weeks a crisis arising.
>
> "I also consider it necessary, Duce, that you should reinforce your forces on the Italian-Yugoslav front with all available means and with utmost speed.
>
> "(5) I also consider it necessary, Duce, that everything which we do and order be shrouded in absolute secrecy and that only personalities who necessarily must be notified know anything about them. These measures will completely lose their value should they become known." (*1835–PS*)

Hitler continues with a further emphasis on the importance of secrecy. An operational order (*R–95*) followed, which was signed by General von Brauchitsch, and which merely passed to the Armies the orders contained in Directive No. 25. (*C–127*)

E. *Explanations.*

The invasion of Greece and Yugoslavia took place in the morning of 6 April 1941. On that day Hitler issued a proclamation (*TC–93*). The following passage is an extract:

> "From the beginning of the struggle it has been England's steadfast endeavor to make the Balkans a theatre of war. British diplomacy did, in fact, using the model of the World War, succeed in first ensnaring Greece by a guarantee offered to her, and then finally in misusing her for Britain's purposes.
>
> "The documents published today [the German 'White Book'] afford a glimpse of a practice which, in accordance with very old British recipes, is a constant attempt to induce others to fight and bleed for British interests.
>
> "In the face of this I have always emphasized that:
>
> "(1) The German people have no antagonism to the Greek people but that
>
> "(2) We shall never, as in the World War, tolerate a power establishing itself on Greek territory with the object at a given time of being able to advance thence from the southeast into German living space. We have swept the northern flank free of the English; we are resolved not to tolerate such a threat in the south."

* * * * * * *

> "In the interests of a genuine consolidation of Europe it has been my endeavor since the day of my assumption of power above all to establish a friendly relationship with Yugoslavia. I have consciously put out of mind everything that once took place between Germany and Serbia. I have not only offered the Serbian people the hand of the German people, but in addition have made efforts as an honest broker to assist in bridging all difficulties which existed between the Yugoslav State and various Nations allied to Germany." (*TC–93*)

One can only think that when he issued that proclamation Hitler must momentarily have forgotten the meeting with Ciano in August 1939, and the meeting with Ribbentrop and the others on 27 March, a few days earlier.

In a lecture delivered by Jodl on 7 November 1943, he sets out his views, two and a half years later on the action taken in April, 1941. In Paragraph 11 he stated:

> "What was, however, less acceptable was the necessity of affording our assistance as an Ally in the Balkans in consequence of the 'extra-turn' of the Italians against Greece. The attack, which they launched in the autumn of 1940 from Albania with totally inadequate means was contrary to all agreement but in the end led to a decision on our part which —taking a long view of the matter—would have become necessary in any case sooner or later. The planned attack on Greece from the North was not executed merely as an operation in aid of an ally. Its real purpose was to prevent the British from gaining a foothold in Greece and from menacing our Roumanian oil area from that country." (*L–172*)

F. *Summary.*

To summarize: The invasion of Greece was decided on at least as early as November or December 1940 and was scheduled for the end of March or the beginning of April, 1941. No consideration was at any time given to any obligations under treaties or conventions which might make such invasion a breach of International Law. Care was taken to conceal the preparations so that the German Forces might have an unsuspecting victim.

In the meanwhile, Yugoslavia, although to be liquidated in due course, was clearly better left for a later stage. Every effort was made to secure her cooperation for the offensive against Greece, or at least to ensure that she would abstain from any interference.

The *coup d'état* of General Simovic upset this plan and it was then decided that, irrespective of whether or not his Government had any hostile intentions towards Germany, or even of supporting the Greeks, Yugoslavia must be liquidated.

It was not worth while to the Nazis to take any steps to ascertain Yugoslavia's intentions, for it would be so little trouble, now that the German troops were deployed, to destroy her militarily and as a national unit. Accordingly, in the early hours of Sunday morning, 6 April 1941, German troops marched into Yugoslavia without warning and into Greece simultaneously. The formality was observed of handing a note to the Greek Minister in Berlin, informing him that the German forces were entering Greece to drive out the British. M. Koryzis, the Greek Minister, in replying to information of the invasion from the German Embassy, replied that history was repeating itself and that Greece was being attacked by Germany in the same way as by Italy. Greece returned, he said, the same reply as it had given to the Italians in the preceding October.

G. *The Pattern of Aggression.*

There is one common factor which runs through the whole of the Nazi aggressions. It is an element in the diplomatic technique of aggression, which was used with singular consistency, not only by the Nazis themselves, but also by their Italian friends. Their technique was essentially based upon securing the maximum advantage from surprise, even though only a few hours of unopposed military advance into the country of the unsuspecting victim could thus be secured. Thus, there was, of course, no declaration of war in the case of Poland.

The invasion of Norway and of Denmark began in the small hours of the night of April 8-9 1940, and was well under way as a military operation, before the diplomatic explanations and excuses were presented to the Danish Foreign Minister, at 4:20 a. m. on the morning of the 9th, and to the Norwegian Minister, between half past four and five on that morning.

The invasion of Belgium, Luxembourg, and Holland began not later than five o'clock, in the small hours of 10 of May, 1940, while the formal ultimatum, delivered in each case with the diplomatic excuses and explanations, was not presented until afterwards. In the case of Holland the invasion began between three and four in the morning. It was not until about six, when The Hague had already been bombed, that the German Minister asked to see M. van Kleffens. In the case of Belgium, where the bombing began at five, the German Minister did not see M. Spaak until eight. The invasion of Luxembourg began at four and it was at seven when the German Minister asked to see M. Beck.

Mussolini copied this technique. It was 3 o'clock on the morning of 28 October 1940 when his Minister in Athens presented a three hour ultimatum to General Metaxas.

The invasion of Greece and Yugoslavia, also, both began in the small hours of 6 April 1941. In the case of Yugoslavia no diplomatic exchange took place even after the event, but a proclamation was issued by Hitler at five o'clock that Sunday morning, some two hours before Belgrade was bombed. In the case of Greece, it was at twenty minutes past five that M. Koryzis was informed that German troops were entering Greek territory.

The manner in which this long series of aggressions was carried out is, in itself, further evidence of the essentially aggressive and treacherous character of the Nazi regime: to attack without warning at night to secure an initial advantage, and to proffer excuses or reasons afterwards. This is clearly the method of the State which has no respect for its own pledged word, nor for the rights of any people but its own.

It is impossible not to speculate whether this technique was evolved by the "honest broker" himself or by his honest clerk, Ribbentrop.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO AGGRESSION AGAINST GREECE AND YUGOSLAVIA

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (F) 5; V....................	I	27,29
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	at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*444–PS	Original Directive No. 18 from Fuehrer's Headquarters signed by Hitler and initialled by Jodl, 12 November 1940, concerning plans for prosecution of war in Mediterranean Area and occupation of Greece. (GB 116)...............	III	403
*448–PS	Hitler Order No. 22, initialled by Keitel and Jodl, 11 January 1941, concerning participation of German Forces in the Fighting in the Mediterranean Theater of Operations. (GB 118).................	III	413
*1195–PS	Keitel Order, 12 April 1941, for provisional directions for partition of Yugoslavia. (GB 144).........	III	838
*1541–PS	Directive No. 20, Operation Marita, 13 December 1940. (GB 117)............................	IV	101
*1746–PS	Conference between German and Bulgarian Generals, 8 February 1941; speech by Hitler to German High Command on situation in Yugoslavia, 27 March 1941; plan		

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	for invasion of Yugoslavia, 28 March 1941. (GB 120)	IV	272
*1834–PS	Report on conference between Ribbentrop and Oshima, 23 February 1941. (USA 129)	IV	469
*1835–PS	Letter from Hitler to Mussolini, 28 March 1941. (GB 126)	IV	475
*1842–PS	Meeting of Mussolini and Ribbentrop in Rome, 19 September 1940. (GB 143)	IV	477
*1871–PS	Report on Hitler and Ciano meeting, 12 August 1939. (GB 142)	IV	508
*2450–PS	Two letters from Ribbentrop to Prime Minister of Yugoslavia, as published in Voelkischer Beobachter, Munich Edition, 26 March 1941. (GB 123)	V	186
2719–PS	German assurance to Yugoslavia; official announcement by German Foreign Office, 28 April 1938, to German Diplomatic Representatives, published in Documents of the Origin of War, 1939, No. 2, p. 324	V	378
*2762–PS	Letter from Hitler to Mussolini (probably early November 1940). (GB 115)	V	410
*2765–PS	Extract from notes of conference between Hitler and Ciano in Vienna, 25 March 1941. (GB 124)	V	411
*2987–PS	Entries in diary of Count Ciano. (USA 166)	V	689
*3054–PS	"The Nazi Plan", script of a motion picture composed of captured German film. (USA 167)	V	801
*C–59	Order signed by Warlimont for execution of operation "Marita", 19 February 1941. (GB 121)	VI	879

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*C–127	Extract from Directive No. 25 by Hitler, 27 March 1941. (GB 125)	VI	938
*C–134	Letter from Jodl enclosing memorandum on conference between German and Italian Generals on 19 January and subsequent speech by Hitler, 20 January 1941. (GB 119)	VI	939
C–147	Extracts from Directive No. 18, signed by Hitler, 12 November 1940	VI	957
*C–167	Report of meeting between Raeder and Hitler, 18 March 1941. (GB 122)	VI	977
*L–79	Minutes of conference, 23 May 1939, "Indoctrination on the political situation and future aims". (USA 27)	VII	847
*R–95	Army Order signed by von Brauchitsch, 30 March 1941, concerning deployment instructions for "Action 25" and supplementary instruction for action "Marita". (GB 127)	VIII	70
TC–43	German assurance to Yugoslavia, 6 October 1939, from Documents of German Politics, Vol. VII, p. 352	VIII	386
*TC–77	Memorandum of conversation between Hitler, Ribbentrop and Ciano, 12 August 1939. (GB 48)	VIII	516
*TC–92	Hitler's address at dinner for Prince Regent of Yugoslavia, 1 June 1939. (GB 114)	VIII	536
*TC–93	Proclamation of the Fuehrer to the German people, 6 April 1941, from Documents Concerning the Conflict with Yugoslavia and Greece. (GB 114)	VIII	537

12. AGGRESSION AGAINST THE U.S.S.R.

A. *Inception of the Plan.*

The point of departure for the story of the aggression against the Soviet Union is the date, 23 August 1939. On that day—just a week before the invasion of Poland—the Nazi conspirators caused Germany to enter into the Treaty of Non-Aggression with the U.S.S.R. This Treaty (*TC–25*) contained two significant articles:

> "Article 1: The two contracting parties undertake to refrain from any act of violence, any aggressive action, or any attack against one another, whether individually or jointly with other powers."

* * * * * * *

> "Article 5: Should disputes or conflicts arise between the contracting parties regarding questions of any kind whatsoever, the two partners would clear away these disputes or conflicts solely by friendly exchanges of views or if necessary by arbitration commission." (*TC–25*)

The Treaty was signed for the U.S.S.R. by the Soviet Foreign Minister Molotov, and for the German Government by Ribbentrop. Its announcement came as somewhat of a surprise to the world, since it appeared to constitute a reversal of the previous trend of Nazi foreign policy. The explanation for this about face was provided, however, by Ribbentrop himself, in a discussion which he had with the Japanese Ambassador, Oshima, at Fuchel on 23 February 1941. A report of that conference was forwarded by Ribbentrop to certain German diplomats in the field for their strictly confidential and purely personal information (*1834–PS*). Ribbentrop told Oshima the reason for the Pact with the U.S.S.R. in the following words:

> "Then when it came to war the Fuehrer decided on a treaty with Russia—a necessity for avoiding a two-front war. Perhaps this moment was difficult for Japan. The treaty was, however, in the interest of Japan, for the Japanese empire was interested in as rapid a German victory as possible, which was assured by the treaty with Russia." (*1834–PS*)

In view of this spirit of opportunism which motivated the Nazi Conspirators in entering into this solemn pledge of arbitration and nonaggression, it is not surprising to find that they regarded it, as they did all Treaties and Pledges, as binding on them only so long as it was expedient for them to do so. That they did so regard it is evident from the fact that, even while the campaign in the West was still in progress, they began to consider the possibility of launching a war of aggression against the U.S.S.R. In a speech to the Reichsleiters and Gauleiters at Munich in November 1943, Jodl admitted that:

> "Parallel with all these developments realization was steadily growing of the danger drawing constantly nearer from the Bolshevik East—that danger which has been only too little perceived in Germany and latterly, for diplomatic reasons, had deliberately to be ignored. However, the Fuehrer himself has always kept this danger steadily in view and even as far back as during the Western Campaign had informed me of his fundamental decision to take steps against this danger the moment our military position made it at all possible." (*L–172*)

At the time this statement was made, however, the Western Campaign was still in progress and so any action in the East necessarily had to be postponed for the time being. On 22 June 1940, however, the Franco-German armistice was signed at Compiegne and the campaign in the West, with the exception of the war against Britain, came to an end. The view that Germany's key to political and economic dominance lay in the elimination of the U.S.S.R. as a political factor, and in the acquisition of *lebensraum* at her expense, had long been basic in Nazi ideology. This idea had never been completely forgotten, even while the war in the West was in progress. Now, flushed with the recent success of their arms and yet keenly conscious of both their failure to defeat Britain and the needs of their armies for food and raw materials, the Nazi conspirators began serious consideration of the means for achieving their traditional ambition by conquering the Soviet Union. The situation in which Germany now found herself made such action appear both desirable and practicable.

As early as August of 1940, General Thomas received a hint from Goering that planning for a campaign against the Soviet Union was already under way. Thomas at that time was the Chief of the *Wirtschaft Rustung Amt,* or Office for Economy and Armaments, of the OKW (*Wi Rue Amt*). General Thomas tells about receiving this information from Goering in his draft of a work entitled "Basic Facts For a History of German War and Armaments Economy," which he prepared during the Summer of 1944 (*2353–PS*). On pages 313 to 315 of this work, Thomas discusses the Russo-German trade agreement of 1939 and relates that, since the Soviets were delivering quickly and well under this agreement and were requesting war materials in return, there was much pressure in Germany until early 1940 for increased delivery on the part of the Germans. However, at page 315 he has the following to say about the change of heart expressed by the German leaders in August of 1940:

> "On August 14, the Chief of Wi Rue, during a conference with Reichmarshal Goering, was informed, that the Fuehrer desired punctual delivery to the Russians only till spring 1941. Later on we would have no further interest in completely satisfying the Russian demands. This allusion moved the Chief of Wi Rue to give priority to matters concerning Russian War Economy." (*2353–PS*)

This statement will be referred to again later in the discussion of preparations for the economic exploitation of Soviet territory. At that time too, evidence will be presented that in November of 1940 Goering categorically informed Thomas that a campaign was planned against the U.S.S.R.

Preparations for so large an undertaking as an invasion of the Soviet Union necessarily entailed, even this many months in advance of the date of execution, certain activity in the East in the way of construction projects and strengthening of forces. Such activity could not be expected to pass unnoticed by the Soviet intelligence service. Counterintelligence measures were obviously called for. In an OKW directive signed by Jodl and issued to the Counter-Intelligence Service Abroad on 6 September 1940, such measures were ordered (*1229–PS*). This directive pointed out that the activity in the East must not be permitted to create the impression in the Soviet Union that an offensive was being prepared and outlined the line for the counterintelligence people to take to disguise this fact. The text of the directive indicates, by necessary implication, the extent of the preparations already underway. It provides:

> "The Eastern territory will be manned stronger in the weeks to come. By the end of October the status shown on the enclosed map is supposed to be reached.
>
> "These regroupings must not create the impression in Russia that we are preparing an offensive in the East. On the other hand, Russia will realize that strong and highly trained German troops are stationed in the Gouvernement, in the Eastern provinces, and in the Protekterat; she should draw the conclusion that we can at any time protect our interests —especially on the Balkan—with strong forces against Russian seizure.
>
> "For the work of our own intelligence service as well as for the answer to questions of the Russian intelligence service, the following directives apply:

> "1. The respective total strength of the German troops in the East is to be veiled as far as possible by giving news about a frequent change of the army units there. This change is to be explained by movements into training camps, regroupings.
>
> "2. The impression is to be created that the center of the massing of troops is in the Southern part of the Gouvernement, in the Protekterat and in Austria, and that the massing in the North is relatively unimportant.
>
> "3. When it comes to the equipment situation of the units, especially of the armored divisions, things are to be exaggerated, if necessary.
>
> "4. By suitable news the impression to be created that the *antiaircraft protection* in the East has been increased considerably after the end of the campaign in the West and that it continues to be increased with captured French material on all important targets.
>
> "5. Concerning improvements on *railroads, roads, airdromes, etc.*, it is to be stated that the work is kept within normal limits, is needed for the improvement of the newly won Eastern territories, and serves primarily economical traffic.
>
> "The supreme command of the Army (OKH) decides to what extent correct details, i. e., numbers of regiments, manning of garrisons, etc., will be made available to the defense for purposes of counter espionage.
>
> "The Chief of the Supreme Command of the Armed Forces,
> By order of
> /signed/ Jodl." (*1229–PS*)

Early in November 1940 Hitler reiterated his previous orders and called for a continuation of preparations, promising further and more definite instructions as soon as this preliminary work produced a general outline of the army's operational plans. This order was contained in a Top Secret directive from the Fuehrer's Headquarters No. 18, dated 12 November 1940, signed by Hitler and initialed by Jodl (*444–PS*). The directive begins by saying that:

> "The preparatory measures of Supreme Headquarters for the prosecution of the war in the near future are to be made along the following lines." (*444–PS*)

It then outlines plans for the various theaters and the policy regarding relations with other countries and says regarding the U.S.S.R.:

> "* * * 5. *Russia*
>
> "Political discussions have been initiated with the aim of

> clarifying Russia's attitude for the time being. Irrespective of the results of these discussions, all preparations for the East which have already been verbally ordered will be continued.
>
> "Instructions on this will follow, as soon as the general outline of the Army's operational plans has been submitted to, and approved by me." (*444–PS*)

On 5 December 1940 the Chief of the General Staff of the Army, at that time General Halder, reported to the Fuehrer concerning the progress of the plans for the coming operation against the U.S.S.R. A report of this conference with Hitler is set forth in a folder containing many documents, all labelled annexes and all bearing on *Fall Barbarossa* (*1799–PS*). This folder was discovered with the War Diary of the *Wehrmacht Fuehrungsstab* and was apparently an inclosure to that Diary. Annex No. 1, dated 5 December 1940, indicates the state which planning for this aggression had reached six and a half months before it occurred:

> "Report to the Fuehrer on 5 December 1940.
>
> "The Chief of the General Staff of the Army then reports about the planned operation in the East. He expanded at first on the geographic fundamentals. The main war industrial centers are in the Ukraine, in Moscow and in Leningrad."

* * * * * * *

> "The Fuehrer declares that he is agreed with the discussed operational plans and adds the following: The most important goal is to prevent that the Russians should withdraw on a closed front. The eastward advance should be combined until the Russian air force will be unable to attack the territory of the German Reich and, on the other hand, the German air force will be enabled to conduct raids to destroy Russian war industrial territories. In this way we should be able to achieve the annihilation of the Russian army and to prevent its regeneration.
>
> "The first commitment of the forces should take place in such a way to make the annihilation of strong enemy units possible."

* * * * * * *

> "It is essential that the Russians should not take up positions in the rear again. The number of 130-140 Divisions as planned for the entire operation is sufficient." (*1799–PS*)

B. *Plan Barbarossa.*

By 18 December 1940 the general outline of the army's operational plans having been submitted to Hitler, the basic strategical directive to the High Commands of the Army, Navy, and Air Forces for *Barbarossa*—Directive No. 21—was issued (*446–PS*). This directive marks the first time the plan to invade the U.S.S.R. was specifically referred to in an order, although the order was classified Top Secret. It also marked the first use of the code word *Barbarossa* to denote the operation against the Soviet Union. One of the most significant passages in that directive is the opening sentence:

> "The German Armed Forces must be prepared to crush Soviet Russia in a quick campaign even before the end of the war against England. (Case Barbarossa)." (*446–PS*)

The directive continues:

> "Preparations requiring more time to start are—if this has not yet been done—to begin presently and are to be completed not later than 15 May 1941."
>
> * * * * * * *
>
> "Great caution has to be exercised that the intention of an attack will not be recognized." (*446–PS*)

The directive then outlined the broad strategy on which the intended invasion was to proceed and the parts which the Army, Navy, and Air Forces were to play therein, and called for oral reports to Hitler by the Commanders-in-Chief. The directive concluded as follows:

> "V. I am expecting the reports of the Commanders-in-Chief on their further plans based on this letter of instructions.
>
> "The preparations planned by all branches of the Armed Forces are to be reported to me through the High Command, also in regard to their time." (*446–PS*)

The directive is signed by Hitler and initialled by Jodl, Keitel, Warlimont, and one illegible signature.

It is perfectly clear both from the contents of the order itself as well as from its history, which has been outlined, that this directive was no mere staff planning exercise. It was an order to prepare for an act of aggression which was intended to occur and which actually did occur. The various services which received the order understood it as an order to prepare for action and did not view it as a hypothetical staff problem. This is plain from the detailed planning and preparation which they immediately undertook in order to implement the general scheme set forth in the basic directive.

C. *Military Planning and Preparation for the Implementation of Barbarossa.*

The Naval War Diary for 30 January 1941 indicates the early compliance of the OKM with that part of Directive No. 21 (*446-PS*) which ordered progress in preparation to be reported to Hitler through the High Command of the Armed Forces. This entry in the War Diary contains a substantial amount of technical information concerning the Navy's part in the coming campaign and the manner in which it was preparing itself to play that part (*C-35*). The following passage shows that the Navy was actively preparing for the attack at this early date:

> "*30 January 1941*
>
> 7. Talk by Ia about the plans and preparations for the "Barbarossa" case to be submitted to the High Command of the Armed Forces". (*C-35*)

("Ia" is, in this case, the abbreviation for a deputy head of the Operations Division of the Naval War Staff.) Then follows a list of the Navy's objectives in the war against Russia. Under the latter, many tasks for the Navy are listed, one of which is sufficiently typical to give an idea of all:

> "II. *Objectives of War Against Russia.*
>
> * * * * * * *
>
> *d.* To harass the Russian fleet by surprise blows as:
>
> "1. Lightning-like commitments at the outbreak of the war of air force units against strong points and combat vessels in the Baltic, Black Sea, and Ice Sea." (*C-35*)

This document indicates the detailed thinking and planning which was being carried out to implement *Barbarossa* almost six months before the operation actually got underway. It is but another piece in the mosaic of evidence which demonstrates beyond question of doubt that the invasion of the Soviet Union was undeniably a premeditated attack.

Similarly, the Naval War Diary for the month of February contains at least several references to the planning and preparation for the coming campaign (*C-33*). The entry for 19 February 1941 is typical:

> "In regard to the impending operation 'Barbarossa' for which all S-Boats in the Baltic will be needed, a transfer of some can only be considered after conclusion of the Barbarossa operations." (*C-33*)

On 3 February 1941 the Fuehrer held a conference to assess the progress thus far made in the planning for *Barbarossa*. The conference also discussed the plans for *Sonnenblume*, which was the code name for the North African Operation. Attending this conference were, in addition to Hitler, the Chief of the Supreme Command of the Armed Forces, Keitel; the Chief of the Armed Forces Operations Staff, Jodl; the Commander-in-Chief of the Army, von Brauchitsch; the Chief of the Army General Staff, Halder; as well as several others including, Colonel Schmundt, Hitler's Adjutant (*872-PS*). During the course of this conference, the Chief of the Army General Staff gave a long report about enemy strength as compared with German strength, and about the general overall operational plans for the invasion. This report was punctuated at various intervals by comments from the Fuehrer. An extract from this report, although written in a semishorthand form, is at least sufficiently clear to disclose that elaborate timetables had already been set up for the deployment of troops, as well as for industrial operations:

> "*The intended time period* was discussed with a plan.
>
> 1st Deployment Staffel (*Aufmarschstaffel*)
> 2nd " " "
>
> transfer now, Front—Germany—East from the middle of March will give up 3 divisions for reinforcement in the West. Army groups and Army High Commands are being withdrawn from the West. There are already considerable reinforcements though still in the rear area. From now on, Attila [the code word for the operation for the occupation of unoccupied France] can be carried out only under difficulties. Industrial traffic is hampered by transport movements. From the middle of April, Hungary will be approached about the march through. Three deployment staffels from the middle of April. Felix is now no longer possible as the main part of the artillery is being entrained. [Felix is the code word for the occupation of Canary Islands, North Africa and Gibraltar.]
>
> "*In industry* the full capacity time-table is in force. No more camouflage.
>
> "From 25.IV-15.V, 4 staffels to withdraw considerable forces from the West. (Seeloewe [Seeloewe was the code word for the planned operation against England] can no longer be carried out). The strategic concentration in the East is quite recognizable.
>
> "The full capacity time-table remains. 8 Marita [Marita was the code word for the action against Greece] divisions complete the picture of the disposition of forces on the plan.
>
> "*C-in-C Army* requested that he no longer have to employ

> 5 control divisions for this, but might hold them ready as reserves for commanders in the West.
>
> "*Fuehrer* When Barbarossa commences, the world will hold its breath and make no comment." (*872–PS*)

This much, when read with the conference conclusions, is sufficient to show that the Army as well as the Navy regarded *Barbarossa* as an action directive and were far along with their preparations even as early as February 1941—almost five months prior to 22 June, the date when the attack was actually launched. The conference report summarized the conclusions of the conference, insofar as they affected *Barbarossa,* as follows:

> "*Conclusions:*
>
> "1. *Barbarossa*
>
> "*a.* The Fuehrer on the whole was in agreement with the operational plan. When it is being carried out, it must be remembered that the *main aim* is to gain possession of the Baltic States and Leningrad.
>
> "*b.* The Fuehrer desires that the operation map and the plan of the disposition of forces be sent to him as soon as possible.
>
> "*c.* Agreements with neighbouring states, who are taking part, may not be concluded until there is no longer any necessity for camouflage. The exception is Roumania with regard to the reinforcing of the Moldaw.
>
> "*d.* It must, at all costs, be possible to carry out Attila (auxiliary measure).
>
> "*e.* The strategic concentration for Barbarossa will be camouflaged as a feint for Seeloewe and the subsidiary measure Marita." (*872–PS*)

As the plans for the invasion became more detailed, involved, and complete, more and more agencies outside the Armed Forces had to be brought into the picture, let in on the secret, and assigned their respective parts. For example, early in March, 1941, Keitel drafted a letter to be sent to Reich Minister Todt, then Reich Minister of Armaments and Munitions and head of the organization Todt. In this letter Keitel explained the principles on which the camouflage for the operation was based and requested that the organization Todt follow the same line (*874–PS*). This letter illustrates the elaborate deceit with which the Nazi conspirators sought to hide the preparations for their treacherous attack:

> *"Top Secret*
>
> "The Chief of the Supreme Command of the Armed Forces.
>
> "Hq. of the Fuehrer 9 March 41
> DRAFT
>
> "Honorable Reich Minister! (TODT)
>
> "For the missions which the Fuehrer has assigned to the Armed Forces in the East, extensive measures for the diversion and deception of friend and foe are necessary prerequisites for the success of the operations.
>
> "The Supreme Command of the Armed Forces has issued guiding rules for the deception in accordance with more detailed directives of the Fuehrer. These rules aim essentially at continuing preparations for the attack against England in an increasing degree. Simultaneously the actual preparations for deployment in the East should be represented as a diversionary maneuvre to divert from plans which are being pursued for an attack against England. In order to insure success for these measures, it is indispensable that these same principles are being also followed on the part of the Organization Todt.
>
> "K. J. W."
> [Initials of
> Keitel, Jodl and Warlimont] (*874-PS*)

On 13 March 1941 Keitel signed an operational supplement to Fuehrer Order #21 (*446-PS*), which was issued in the form of "Directives for Special Areas" (*447-PS*). This detailed operational order, which was issued more than three months in advance of the attack, indicates how complete were the plans on practically every phase of the operation. Section I of the directive is headed "Area of Operations and Executive Power" and outlines who was to be in control of what and where. It states that while the campaign is in progress, the Supreme Commander of the Army has the executive power in territory through which the army is advancing. During this period, however, the Reichsfuehrer SS is entrusted with "special tasks." This assignment is discussed in paragraph 2b:

> "* * * *b*. In the area of operations, the *Reichsfuehrer SS* is, on behalf of the Fuehrer, entrusted with *special tasks* for the preparation of the *political administration*, tasks which result from the struggle which has to be carried out between two opposing political systems. Within the realm of these tasks, the Reichsfuehrer SS shall act independently and under his own responsibility. The executive power invested in the Supreme Commander of the Army (OKH) and

> in agencies determined by him shall not be affected by this. It is the responsibility of the Reichsfuehrer SS that through the execution of his tasks military operations shall not be disturbed. Details shall be arranged directly through the OKH with the Reichsfuehrer SS." (*447–PS*)

The order then states that, in time, political administration will be set up under Commissioners of the Reich. The relationship of these officials to the army is discussed in paragraphs 2c and 3:

> "*c.* As soon as the area of operations has reached sufficient depth, it is to be *limited in the rear.* The newly occupied territory in the rear of the area of operations is to be given its own *political* administration. For the present, it is to be divided, according to its genealogic basis and to the positions of the Army Groups, into *North (Baltic countries), Center (White Russia) and South (Ukraine).* In these territories *the political administration is taken care of by Commissioners of the Reich* who receive their orders from the Fuehrer.
>
> "3. For the execution of all *military tasks* within the areas under political administration in the rear of the area of operations, *commanding officers* who are responsible to the Supreme Commander of the Armed Forces (OKW) shall be in command.
>
> "The commanding officer is the *supreme representative of the Armed Forces* in the respective areas and the bearer of the *military sovereign rights.* He has *the tasks of a Territorial Commander* and the rights of a supreme Army Commander or a Commanding General. In this capacity he is responsible primarily for the following tasks.
>
> "*a.* Close cooperation with the Commissioner of the Reich in order to support him in his political task.
>
> "*b.* Exploitation of the country and securing its economic values for use by German industry (see par. 4). (*447–PS*)

The directive also outlines the responsibility for the administration of economy in the conquered territory. This provision is also contained in Section I, paragraph 4:

> "4. The Fuehrer has entrusted the uniform direction of *the administration of economy* in the area of operations and in the territories of political administration to the Reich Marshal who has delegated the Chief of the 'Wi Rue Amt' with the execution of the task. Special orders on that will come from the OKW/Wi/Rue/Amt." (*447–PS*)

The second section deals with matters of personnel, supply, and communication traffic. Section III of the order deals with the relations with certain other countries and states, in part, as follows:

> "III. *Regulations regarding Rumania, Slovakia, Hungary and Finland.*
>
> 9. The necessary arrangements with these countries shall be made by the OKW, together with the Foreign Office, and according to the wishes of the respective high commands. In case it should become necessary during the course of the operations to grant special rights, applications for this purpose are to be submitted to the OKW." (*447–PS*)

The document closes with a section regarding Sweden:

> "IV. *Directives regarding Sweden.*
>
> 12. Since Sweden *can* only become a transient-area for troops, no special authority is to be granted the commander of the German troops. However, he is entitled and compelled to secure the immediate protection of RR-transports against sabotage and attacks.
>
> "The Chief of the High Command of the Armed Forces
>
> "signed: KEITEL"
>
> (*447–PS*)

As was hinted in the original Barbarossa Order, Directive No. 21 (*446–PS*), the plan originally contemplated that the attack would take place about the 15th of May 1941. In the meantime, however, the Nazi conspirators found themselves involved in a campaign in the Balkans and were forced to delay Barbarossa for a few weeks. Evidence of this postponement is found in a document (*C–170*) which has been identified by Raeder as a compilation of official extracts from the Naval War Staff War Diary. It was prepared by naval archivists who had access to the Admiralty files and contains file references to the papers which were the basis for each entry. This item dated 3 April 1941 reads as follows:

> "*Balkan Operations delayed 'Barbarossa' at first for about five weeks.* All measures which can be construed as *offensive actions* are to be stopped according to Fuehrer order." (*C–170*)

By the end of April, however, things were sufficiently straightened out to permit the Fuehrer definitely to set D-Day as 22 June—more than seven weeks away. A "Top Secret" report of a conference with the Chief of the Section *Landsverteidigung* of the *Wehrmachtfuhrungsstab* on 30 April 1941 states, in the first two paragraphs:

"1. *Timetable Barbarossa:*

The Fuehrer has decided:

Action Barbarossa begins on 22 June. From 23 May maximal troop movements performance schedule. At the beginning of operations the OKH reserves will have not yet reached the appointed areas.

"2. *Proportion of actual strength in the plan Barbarossa:*

Sector North: German and Russian forces approximately of the same strength.

Sector Middle: Great German superiority.

Sector South: Russian superiority." (*873-PS*)

Early in June, approximately three weeks before D-Day, preparations for the attack were so complete that it was possible for the High Command to issue an elaborate timetable showing in great detail the disposition and missions of the Army, Navy, and Air Force. This timetable (*C-39*) was prepared in 21 copies. The copy reproduced here was the third copy, which was given to the High Command of the Navy. Page 1 is in the form of a transmittal and reads as follows:

"Top Military Secret

"Supreme Command of the Armed Forces
Nr. 44842/41 Top Military Secret WFST/Abt.L (I op)

"Fuehrer's Headquarters
(no date)

"Top Secret (*Chefsache*)
Only through officer

"21 copies
3rd copy Ob. d. m.
I op.00845/41
Received 6 June
Enclosures:—

"The Fuehrer has authorized the appended timetable as a foundation for further preparations for 'Barbarossa'. If alterations should be necessary during execution, the Supreme Command of the Armed Forces must be informed.

"Chief of Supreme Command of the Armed Forces
signed: Keitel"
(*C-39*)

The document then proceeds to outline the state of preparations as of 1 June 1941. The outline is in six paragraphs covering the status on that date under six headings: General; Negotiations with Friendly States; Army; Navy; Air Force, and Camouflage. The remainder of the document is in tabular form with six columns headed from left to right at the top of each page—Date; Serial No.; Army; Navy; OKW; Remarks. The item appearing under date 21 June and Serial No. 29, provides in the columns for Army, Navy, and Air Forces that, "Till 1300 hours latest time at which operation can be cancelled (*spaetester Anhaltetermin*)" (*C–39*). Under the column headed OKW appears the note: "Cancelled by code word 'Altona' or further confirmation of start of attack by code word: 'Dortmund'" (*C–39*). In the Remarks column appears the statement that: "Complete absence of camouflage of formation of Army point of main effort (*Schwerpunkt*), concentration of armour and artillery must be reckoned with" (*C–39*). The entry for 22 June, under serial number 31, gives a notation which cuts across the columns for the Army, Air Force, Navy, and OKW and provides as follows:

> *"Invasion Day*
>
> "H-hour for the start of the invasion by the Army and crossing of the frontier by the Air Forces. 0330 hours". (*C–39*)

In the Remarks column it is stated that:

> "Army assembly independent of any lateness in starting owing to weather on the part of the Air Force." (*C–39*)

The other parts of the chart are similar in nature to those quoted and give great detail concerning the disposition and missions of the various components of the Armed Forces.

On 9 June 1941 the order of the Fuehrer went out for final reports on Barbarossa to be made in Berlin on 14 June 1941—8 days before "D-Day" (*C–78*). This order, signed by Hitler's Adjutant, Schmundt, reads as follows:

> "TOP SECRET
> Only by Officer
>
> "Office of Wehrmacht Adjutant
>
> "at Berchtesgaden
> 9th June 1941
>
> *"To the Fuehrer*
> Br. B. No. 7 Top Secret
>
> *"Top Secret*
>
> *"Re: Conference 'Barbarossa'*
>
> "1. The Fuehrer and Supreme Commander of the Armed Forces have ordered reports on 'Barbarossa' by the Commanders of Army Groups, armies, and Naval and Air Commanders of equal rank.
>
> "2. The reports will be made on Saturday, 14 June 1941, at the Reich Chancellery, Berlin.

"3. *Time Table.*

"*a.* 11.00 hrs.......... "Silver Fox"
"*b.* 12.00 hrs–14.00 hrs.......... Army Group South
"*c.* 14.00 hrs–15.30 hrs.......... Lunch party for all participants in conference
"*d.* From 15.30 hrs.......... Baltic, Army Group North, Army Group "Center" in this order.

Participants see enclosed list of participants.
(list of names, etc. follows)

"(signed) Schmundt
Colonel of the General Staff and Chief
Wehrmacht Adjutant to the Fuehrer".

(*C–78*)

There is attached a list of participants and the order in which they will report. The list includes a large number of the members of the High Command and General Staff Group as of that date. Among those to participate were Goering, Keitel, Jodl, and Raeder.

The foregoing documents are sufficient to establish the premeditation and calculation which marked the military preparations for the invasion of the U.S.S.R. Starting almost a full year before the launching of the attack, the Nazi conspirators planned and prepared every military detail of their aggression against the Soviet Union with all that thoroughness and meticulousness which has come to be associated with the German character. The leading roles were performed in this preparation by the military figures—Goering, Keitel, Jodl, and Raeder.

D. *Plans for the Economic Exploitation and Spoliation of the U.S.S.R.*

Not only was there detailed preparation for the invasion from a purely military standpoint, but equally elaborate and detailed planning was undertaken by the Nazi conspirators to insure that their aggression would prove economically profitable. The motives which led the conspirators to plan and launch attack were both political and economic. The economic basis may be simply summarized as the greed of the Nazi conspirators for the raw material, food, and other supplies which their neighbor possessed and which they conceived of themselves as needing for the maintenance of their war machine. To the Nazi conspirators a need was translated as a right, and they early began planning and preparing with typical care and detail to insure that every bit of the plunder which it would be possible to reap in the course of their aggression would be exploited to their utmost benefit.

As early as August 1940 General Thomas, Chief of the *Wi Rue Amt,* received a hint from Goering about a possible attack on the U.S.S.R., which prompted him to begin considering the Soviet war economy. In November 1940—8 months before the attack—Thomas was categorically informed by Goering of the planned operation in the East, and preliminary preparations were commenced for the economic plundering of the territories to be occupied in the course of such operation (*2353–PS*). Goering played the overall leading role in this activity by virtue of his position at the head of the Four Year Plan. Thomas describes his receipt of the knowledge and this early planning in these terms:

> "* * * In November, 1940, the Chief of the *Wi Rue* together with Secretaries of state Koerner, Neumann, Backe and General von Hanneken were informed by the Reichmarshal of the action planned in the East.
>
> "By reason of these directives the preliminary preparations for the action in the East were commenced by the office of WiRue at the end of 1940.
>
> "The preliminary preparations for the action in the East included first of all the following tasks:
>
> "1. Obtaining of a detailed survey of the Russian Armament industry, its location, its capacity and its associate industries.
>
> "2. Investigation of the capacity of the different big armament centers and their dependency one on the other.
>
> "3. Determine the power and transport system for the industry of the Soviet Union.
>
> "4. Investigation of sources of raw materials and petroleum (crude oil).
>
> "5. Preparation of a survey of industries other than armament industries in the Soviet Union.
>
> "These points were concentrated in one big compilation 'War Economy of the Soviet Union' and illustrated with detailed maps, etc."
>
> "Furthermore a card index was made, containing all the important factories in Soviet-Russia, and a lexicon of economy in the German Russian language for the use of the German War Economy Organization.
>
> "For the processing of these problems a task staff, Russia,

> was created, first in charge of Lieutenant Colonel Luther and later on in charge of Brigadier General Schubert. The work was carried out according to the directives from the Chief of the Office, resp. the group of depts. for foreign territories (Ausland) with the cooperation of all departments, economy offices and any other persons, possessing information on Russia. Through these intensive preparative activities an excellent collection of material was made, which proved of the utmost value later on for carrying out the operations and for administering the territory." (*2353–PS*)

By the end of February 1941 this preliminary planning had proceeded to a point where a broader plan of organization was needed. General Thomas held a conference with his subordinates on 28 February 1941 to call for such a plan. A memorandum of this conference classified Top Secret and dated 1 March 1941, reads as follows:

> "The general ordered that a broader plan of organization be drafted for the Reich Marshal.
>
> "Essential Points:
>
> "1. The whole organization to be subordinate to the Reich Marshal. *Purpose*: Support and extension of the measures of the four-year plan.
>
> "2. The organization must include everything concerning war economy, excepting only food, which is said to be made already a special mission of State Secretary Backe.
>
> "3. Clear statement that *the organization is to be independent of the military or civil administration.* Close cooperation, but instructions direct from the central office in Berlin.
>
> "4. Scope of activities to be divided in two steps:
> *a.* Accompanying the advancing troops directly behind the front lines, in order to avoid the destruction of supplies and to secure the removal of important goods.
> *b.* Administration of the occupied industrial districts and exploitation of economically complimentary districts.
>
> "5. In view of the extended field of activity, the term *war economy* inspection is to be used preferably, instead of armament inspection.
>
> "6. In view of the great field of activity, the organization must be generously equipped and personnel must be correspondingly numerous. *The main mission of the organization* will consist of *seizing raw materials and taking over all*

> *important concerns.* For the latter mission reliable persons from German concerns will be interposed suitably from the beginning, since successful operation from the beginning can only be performed by the aid of their experiences. (for example, lignite, ore, chemistry, petroleum).
>
> "After the discussion of further details, Lt. Col. Luther was instructed to make an initial draft of such an organization within one week.
>
> "Close cooperation with the individual sections in the building is essential. An officer must still be appointed for Wi and Rue, with whom the operational staff can remain in constant contact. Wi is to give each section chief and Lt. Col. Luther a copy of the new plan regarding Russia.
>
> "Major General Schubert is to be asked to be in Berlin the second half of next week. Also, the four officers who are ordered to draw up the individual armament inspections are to report to the Office Chief at the end of next week.
>
> "(signed:) Hamann".
> (*1317–PS*)

Hamann, who signed the report is listed among those attending as a Captain, was apparently the junior officer present. Presumably it fell naturally to his lot to prepare the minutes of the meeting.

The authority and mission of this organization which Thomas was organizing at the direction of Goering was clearly recognized by Keitel in his operational order of 13 March 1941 (*447–PS*). The order stated that the Fuehrer had entrusted the uniform direction of the administration of economy in the area of operations and political administration to the Reichsmarshal (Goering) who in turn had delegated his authority to the Chief of the *Wi Rue Amt* (Thomas). (*447 PS*)

The organizational work called for by General Thomas at the meeting on 28 February apparently proceeded apace, and on 29 April 1941 a conference was held with various branches of the Armed Forces to explain the organizational setup of Economic Staff *Oldenburg*. (*Oldenburg* was the code name given to this economic counterpart of *Barbarossa*.) Section I of the report of this conference (*1157–PS*) deals with the general organization of Economic Staff *Oldenburg* as it had developed. The report begins:

"Conference with the Branches of the Armed Forces at 1000 hours on 29th April 1941

I.

Welcome

"Purpose of meeting: introduction to the organizational structure of the economic sector of the action.

"Barbarossa—Oldenburg

"As already known, the Fuehrer, contrary to previous procedure, has ordered for this drive the uniform concentration in one hand of *all* economic operations and has entrusted the Reich Marshal with the overall direction of the economic administration in the area of operations and in the areas under political administration.

"The Reich Marshal has delegated this function to an economic general staff, working under the director of the industrial armament office (*Chef Wi Rue Amt*).

"Under the Reich Marshal and the economic general staff, the supreme central authority in the area of the drive itself is the *Economic Staff Oldenburg for special duties* under the command of Major General (Generalleutnant) Schubert.

"His subordinate authorities, geographically subdivided are:

5 economic inspectorates
23 economic commands
12 sub-offices, which are distributed among important places within the area of the economic commands.

"These offices are used in the *military rear area*; the idea is that in the territory of each Army Group an economic inspectorate is to be established at the seat of the commander of the military rear area, and that this inspectorate will supervise the economic exploitation of the territory.

"A distinction must be made between the military rear area on the one hand and the battle area proper and the rear area of the army on the other hand. In the last economic matters are dealt with by the IV Econ (IV Wi) of the Army Headquarters Commands, i.e. the liaison officer of the industrial armament office within the supreme command of the armed forces at the army headquarters commands. For the battle area he has attached to him: technical battalions, reconnaisance and recovery troops for raw materials, mineral oil, agricultural machinery, in particular tractors and means of production.

"In the territory between the battle and the military rear area, the rear area of the Army, group IV Econs at the various field commands are placed at the disposal of the

> liaison officer of the industrial armaments office in order to support the army headquarters commands specialists responsible for supplying the troops from the country's resources and for preparing the subsequent general economic exploitation.
>
> "While these units move with the troops, economic inspectorates, economic commands and their sub-offices remain established in the locality.
>
> "The new feature inherent in the organization under the command of the Economic Staff *Oldenburg* is that it does not only deal with military industry, but comprises the *entire* economic field. Consequently, all offices are no longer to be designated as offices of the military industries or armaments, but quite generally as economic inspectorates, economic commands, etc.
>
> "This also corresponds with the internal organization of the individual offices which, from the Economic Staff *Oldenburg* down to the economic commands, requires a standard subdivision into three large groups, i.e.
>
> "*Group H* dealing with troop requirements, armaments, industrial transport organization.
>
> "*Group L* which concerns itself with all questions of feed and agriculture, and
>
> "*Group W* which is in charge of the entire field of trade and industry, including raw materials and suppliers; further questions of forestry, finance and banking, enemy property, commerce and exchange of commodities and manpower allocation.
>
> "Secretary of State Backe is appointed Commissioner for Food and Agriculture in the General Staff; the problems falling within the field of activities of Group W are dealt with by General v. Hanneken." (*1157–PS*)

The remainder of the document deals with local subdivisions, personnel and staffing problems, and similar details.

These documents portray the calculated method with which the Nazi conspirators prepared months in advance to rob and loot their intended victim. They show that the conspirators not only planned to stage an attack on a neighbor they had pledged to security, but that they also intended to strip that neighbor of its food, its factories, and all its means of livelihood. The Nazi conspirators made these plans for plunder being fully aware that to carry them out would necessarily involve ruin and starvation for millions of the inhabitants of the Soviet Union. (The story of how this plot was executed forms a part of the case to be presented by the Soviet prosecuting staff.)

E. *Preparation for the Political Phase of the Aggression.*

As has already been indicated, and as will be later more fully developed, there were both economic and political motives for the action of the Nazi conspirators in invading the Soviet Union. The economic aspects have been discussed. Equally elaborate planning was engaged in by the Nazi conspirators to insure the effectuation of the political aim of their aggression. That political aim may be described as the elimination of the U.S.S.R. as a powerful political factor in Europe, and the acquisition of *Lebensraum.* For the accomplishment of these purposes the Nazi conspirators selected as their agent Rosenberg.

As early as 2 April 1941 Rosenberg, or a member of his staff, prepared a memorandum on the U.S.S.R. (*1017–PS*). This memorandum speculates on the possibility of a disagreement with the U.S.S.R. which would result in a quick occupation of an important part of that country. The memorandum then considers what the political goal of such occupation should be and suggests ways for reaching such a goal. This memorandum begins:

> "*Subject: The U.S.S.R.*
>
> "Bolshevik Russia, just as the one-time Czarist Russia, is a conglomeration of peoples of very different types, which has come into being through the annexation of states of a related or even of an essentially alien character.
>
> "A military conflict with the U.S.S.R. will result in an extraordinarily rapid occupation of an important and large section of the U.S.S.R. It is very probable that military action on our part will very soon be followed by the military collapse of the U.S.S.R. The occupation of these areas would then present not so many military as administrative and economic difficulties. Thus arises the first question:
>
> "Is the occupation to be determined by purely military and/or economic needs, or is the laying of political foundations for a future organization of the area also a factor in determining how far the occupation shall be extended? If so, it is a matter of urgency to fix the *political* goal which is to be attained, for it will, without doubt, also have an effect on military operations.
>
> "If the Political overthrow of the Eastern Empire, in the weak condition it would be at the time, is set as the goal of military operations, one may conclude that:
>
> "1. The occupation must comprise areas of vast proportions;

"2. From the very beginning, the treatment of individual sections of territory should, as regards administration, as well as economics and ideology, be adapted to the political ends we are striving to attain;

"3. Again, extraordinary questions concerning these vast areas, such as, in particular, the ensuring of essential supplies for the continuation of the war against England, the maintenance of production which this necessitates and the great directives for the completely separate areas, should best be dealt with all together in one place.

"It should again be stressed here that, in addition, all the arguments which follow of course only hold good once the supplies from the area to be occupied which are essential to Greater Germany for the continuance of the war, have been assured.

"Anyone who knows the East, sees in a map of Russia's population the following national or geographical units:

"*a.* Greater Russia with Moscow as its centre.

"*b.* White Russia with Minsk or Smolensk as its capital.

"*c.* Esthonia, Latvia, and Lithuania.

"*d.* The Ukraine and the Crimea with Kiev as its centre.

"*e.* The Don area with Rostov as its capital.

"*f.* The area of the Caucasus.

"*g.* Russian Central Asia or Russian Turkestan." (*1017-PS*)

The memorandum then proceeds to discuss each of the areas or geographical units thus listed in some detail. At the end of the paper the writer sums up his thoughts and briefly outlines his plan in these terms:

"*Summary*

"The following systematic constructional plan is evolved from the points briefly outlined here:

"1. The creation of a central department for the occupied areas of the U.S.S.R., to be confined more or less to wartime.

"Working in agreement with the higher and supreme Reich authorities, it would be the task of this department—

"*a.* To issue binding political instructions to the separate administration area, having in mind the situation existing at the time and the goal which is to be achieved.

"*b.* To secure for the Reich supplies essential to the war from all the occupied areas.

"*c.* To make preparations for, and to supervise the carrying out, in main outline, of the primarily important questions for all areas, as for instance, those of finance and

> funds, transport, and the production of oil, coal and food;
>
> "2. The carrying out of sharply defined decentralization in the separate administration area, grouped together by race or by reason of political economy, for the carrying out of the totally dissimilar tasks assigned to them.
>
> "As against this, an administrative department, regulating matters in principle, and to be set up on a purely economic basis, as is at present envisaged, might very soon prove to be inadequate, and fail in its purpose. Such a central office would be compelled to carry out a common policy for all areas, dictated only by economic considerations, and this might impede the carrying out of the political task and, in view of its being run on purely bureaucratic lines, might possibly even prevent it.
>
> "The question therefore arises, whether the opinions which have been set forth should not, purely for reasons of expediency, be taken into consideration from the very beginning when organizing the administration of the territory on a basis of war economy. In view of the vast spaces and the difficulties of administration which arise from that alone, and also in view of the living conditions created by Bolshevism, which are totally different from those of Western Europe, the whole question of the U.S.S.R. would require different treatment from that which has been applied in the individual countries of Western Europe.
>
> "2.4.41" (*1017-PS*)

It is evident that the "presently envisaged" administration operating on a purely economic basis, to which this memorandum objects, was the Economic Staff *Oldenburg* which was set up under Goering and Thomas.

Rosenberg's statement of the political purpose of the invasion and his analysis of methods for achieving it apparently did not fall on deaf ears. By a Fuehrer Order dated 20 April 1941 he was named "Commissioner for the Central Control of Questions Connected with the East-European Region". This order is part of a correspondence file regarding Rosenberg's appointment (*865-PS*). Hitler's order reads as follows:

> "I name Reichsleiter Alfred Rosenberg as my Commissioner for the central control of questions connected with the East-European Region.
>
> "An office, which is to be established in accordance with his orders, is at the disposal of Reichsleiter Rosenberg for the carrying out of the duties thereby entrusted to him.

"The necessary money for this office is to be taken out of the Reich Chancellery Treasury in a lump sum.

"Fuehrer's Headquarters 20th April 1941.
"The Fuehrer
(signed) Adolf Hitler
"Reich Minister and Head of Reich Chancellery
(signed) Dr. Lammers"
(*865-PS*)

This particular copy of the Fuehrer's Order was enclosed in a letter which Dr. Lammers wrote to Keitel requesting cooperation for Rosenberg and asking that Keitel appoint a Deputy to work with Rosenberg. This letter reads as follows:

"The Reich Minister and the Head of the Reich Chancellery
"Berlin W8 21st April 1941
VossStrasse 6
At present Fuehrer
Headquarters, mail
without exception to
be sent to the Berlin
address.

"To: The Chief of the Supreme Command of the Armed Forces,
General Field Marshal Keitel
"Personal. By courier.

"My dear General Field Marshal.

"Herewith I am sending you a copy of the Fuehrer's Decree by which the Fuehrer appointed Reichsleiter Alfred Rosenberg as his Commissioner for the central control connected with the East European Region. In this capacity Reichsleiter Rosenberg is to make the necessary preparations for the probable emergency with all speed. The Fuehrer wishes that Rosenberg shall be authorized for this purpose to obtain the closest cooperation of the highest Reich authorities, receive information from them, and summon the representatives of the Highest Reich Authorities to conferences. In order to guarantee the necessary secrecy of the commission and the measures to be undertaken, for the time being only those of the highest Reich Authorities should be informed, on whose cooperation Reichsleiter Rosenberg will primarily depend. There are: the Commissioner for the Four Year plan, the Reich Minister of Economics and you, yourself.

"Therefore may I ask you, in accordance with the Fuehrer's wishes, to place your cooperation at the disposal of Reichsleiter Rosenberg, in the carrying out of the task imposed upon him.

"It is recommended in the interests of secrecy, that you name a representative in your office, with whom the office of the Reichsleiter can communicate and who in addition to your usual deputy should be the only one to whom you should communicate the contents of this letter.

"I should be obliged if you would acknowledge the receipt of this letter.

"Heil Hitler,
Yours very sincerely,
Dr. Lammers."

(*865–PS*)

Keitel wrote Lammers acknowledging receipt of his letter and telling of his compliance with the request:

"The Chief of the Supreme Command of the Armed Forces.
"25 April 1941

"Most Secret

"By courier

"To:

"The Head of the Reich Chancellery,
Reich Minister Dr. Lammers.

"Personal

"Dear Reich Minister.

"I acknowledge receipt of the copy of the Fuehrer's Decree in which the Fuehrer appointed Reichsleiter Alfred Rosenberg as his Commissioner for the central control of questions connected with the East European Region. I have named General of the Artillery Jodl, Head of the Armed Forces Operational Staff as my permanent Deputy and Major General Warlimont as his Deputy.

"Heil Hitler
"Yours very sincerely,
"K.
25/4"

(*865–PS*)

Keitel also wrote Rosenberg, telling of his compliance with Lammers' request:

> "The Chief of the Supreme Command of the Armed Forces
> "25th April 1941
> "Most Secret
> "By courier
>
> "To:
> "Reichsleiter Rosenberg
> *"Personal.*
>
> "Dear Reichsleiter,
>
> "The Head of the Reich Chancellery has sent me a copy of the Fuehrer's Decree, by which he has appointed you his Commissioner for the central control of questions connected with the East European Region. I have charged General of the Artillery Jodl, Head of the Armed Forces Operational Staff and his Deputy, Major General Warlimont with the solving of these questions, as far as they concern the Supreme Command of the Armed Forces. Now I ask you, as far as your Office is concerned, to deal with him only.
>
> "Heil Hitler
> "Yours very sincerely,
> "K.
> 25/4" (*865-PS*)

Immediately upon receipt of the order from Hitler, Rosenberg began building his organization, conferring with the various ministries, issuing his instructions, and generally making the detailed plans and preparations necessary to carry out his assigned mission. Although Rosenberg's files, which were captured intact, were crowded with documents evidencing both the extent of the preparation and its purpose, the citation of a small number which are typical should be sufficient. All the documents now discussed were found in Rosenberg's files.

In a memorandum dated 8 May 1941, entitled "General Instructions for all Reichcommissars in the occupied Eastern Territories", Rosenberg gives instructions to his chief henchmen and outlines clearly the political aims and purposes of the attack. In the second two paragraphs of the English translation the following remarks appear:

> "The only possible political goal of war can be the aim to free the German Reich from the Great Russian (*gross-russisch*) pressure for centuries to come. This does not only correspond with German interests, but also with historical justice, for Russian Imperialism was in a position to accomplish its policy of conquest and oppression almost unopposed, whilst it threatened Germany again and again. Therefore, the German Reich has to beware of starting a campaign against

> Russia with a historical injustice, meaning the reconstruction of a Great Russian Empire, no matter of what kind. On the contrary, all historical struggles of the various nationalities against Moscow and Petersburg have to be scrutinized for their bearing on the situation today. This has been done on the part of the National Socialist movement to correspond to the Leader's political testament as laid down in his book, that now the military and political threat, from the East shall be eliminated forever.
>
> "Therefore this huge area must be divided according to its historical and racial conditions into Reichs-Commissariats, each of which bears within itself a different political aim. The Reich Commissariat Eastland (*Ostland*) including White-Ruthenia will have the task, to prepare, by way of development into a Germanized Protectorate, a progressively closer cohesion with Germany. The Ukraine shall become an independent state in alliance with Germany and Caucasia with the contiguous Northern Territories a Federal State with a German plenipotentiary. Russia proper must put her own house in order for the future. These general viewpoints are explained in the following instructions for each Reich Commissar. Beyond that there are still a few general considerations which possess validity for all Reich Commissars." (*1030–PS*)

The fifth paragraph presents an interesting rationalization of a contemplated robbery:

> "The German people has achieved, in the course of centuries, tremendous accomplishments in the Eastern European area. Nearly its entire real estate property was confiscated without indemnification, hundreds of thousands (in the South, on the Volga) starved or were deported or, like in the Baltic territories, were cheated out of the fruits of their cultural work during the past 700 years. The German Reich will now have to proclaim the principle, that after the occupation of the Eastern Territories, the former German assets have become property of the people of Greater Germany, irrespective of the consent of the former individual proprietors where the German Reich may reserve the right (assuming that it has not already been done during resettlement) to arrange a just settlement. The manner of compensation and restitution of this national property, will be subject to different treatment by each Reich Commissariat." (*1030–PS*)

"An Instruction for a Reich Commissar in the Baltic Countries and White Russia" (*1029-PS*) is typical of the directives issued to each of the appointed commissioners. This order is amazingly frank in outlining the intentions of the Nazi conspirators toward the country they intended to occupy in the course of their aggression. It begins:

> "All the regions between Narva and Tilsit have constantly been in close relationship with the German people. A 700 year old history has moulded the inner sympathies of the majority of the races living there in a European direction, and has added this region to the living space of Greater Germany.
>
> "The aim of a Reich Commissar for Esthonia, Latvia, Lithuania and White Russia [last words added in pencil] must be to strive to achieve the form of a German Protectorate, and then transform the region into part of the Greater German Reich by germanizing racially possible elements, colonizing Germanic races and banishing undesirable elements. The Baltic Sea must become a Germanic inland sea under the guardianship of Greater Germany.
>
> "For certain cattle-raising products, the Baltic region was a land of surplus, and the Reich Commissar must endeavor to make this surplus once more available to the German people, and, if possible, to increase it. With regard to the process of germanizing or resettling, the Esthonian people are strongly germanized to the extent of 50% by Danish, German and Swedish blood and can be considered as a kindred nation. In Latvia, the section capable of being assimilated is considerably smaller than in Esthonia. In this country stronger resistance will have to be reckoned with and banishment on a larger scale will have to be envisaged. A similar development may have to be reckoned with in Lithuania, for here too the emigration of racial Germans is called for in order to promote very intensive Germanization (on the East Prussian border)."

* * * * * * *

> "The task of a Reich Commissar with his seat of office in Riga will therefore largely be an extraordinarily positive one. A country which 700 years ago was captured by German Knights built up by the Hanseatic League, and by reason of a constant influx of German blood, together with Swedish elements, was a predominantly Germanized land, is to be established as a mighty, German borderland. The preliminary cultural conditions are available everywhere, and the German Reich will be able to guarantee the right to a

> later emigration to all those who have distinguished themselves in this war, to the descendants of those who gave their lives during the war, and also to all who fought in the Baltic campaign never once lost courage, fought on in the hour of despair and delivered Baltic civilization from Bolshevism. For the rest, the solution of the colonization problem is not a Baltic question, but one which concerns Greater Germany, and it must be settled on these lines." (*1029–PS*)

These two directives are sufficiently typical of the lot to show the extent of the planning and preparation for this phase of the aggression as well as the political purpose it was hoped would be achieved thereby. They are reinforced by a later report of Rosenberg's. On 28 June 1941, less than a week after the invasion, Rosenberg himself prepared a full report of his activities since his appointment on the 20th of April (*1039–PS*). This report makes disclosures concerning the number of conspirators who worked with and assisted Rosenberg in the planning and preparation for this phase of the aggression and the extent to which practically all the ministries and offices of both the State and the Party were involved in this operation. The report was found in Rosenberg's files and, although it is rather long, it is of sufficient importance in implicating persons, groups and organizations to justify quotation in full:

> "*Report on the Preparatory Work in Eastern European Questions*
>
> "Immediately after the notification of individual Supreme Reich offices regarding the Fuehrer's decree of 20.4.1941 a conference with the Chief of the OKW [Armed Forces High Command] took place. After presentation of the various political aims in the proposed Reichskommissariats and presentation of personal requirements for the East, the Chief of the OKW explained that a deferment (*OK-stellung*) would be too complicated in this case and that this matter could be carried out best by direct cancellation *(Abkommandierung)* by command of the Chief of the OKW. Generalfeldmarschall Keitel then issued an appropriate command which established the basis for the coming requirements. He named as deputy and liaison officer General Jodl and Maj. Gen. Warlimont. The negotiations which then commenced relative in all questions of the Eastern Territory were carried on by the gentlemen of the OKW in collaboration with officials of my office.
>
> "A conference took place with Admiral Canaris to the effect that under the given confidential circumstances my office

could in no way deal with any representatives of people of the East-European area. I asked him to do this insofar as the Military intelligence required it, and then to name persons to me who could count as political personalities over and above the military intelligence in order to arrange for their eventual commitment later. Admiral Canaris said that naturally also my wish not to recognize any political groups among the emigrants would be considered by him and that he was planning to proceed in accordance with my indications.

"Later on I informed Generalfeldmarschall von Brauchitsch and Grossadmiral Raeder about the historical and political conceptions of the Eastern problem. In further conferences we agreed to appoint a representative of my office to the Supreme Commander of the Army, respectively to the chief quartermaster and to the army groups for questions relative to political configuration and requests of the OKW. In the meantime this has been done.

"Already at the outset there was a discussion with Minister of Economy (*Reichswirtschaftsminister*) Funk, who appointed as his permanent deputy Ministerialdirektor Dr. Schlotterer. Almost daily conferences were then held with Dr. Schlotterer with reference to the war economic intentions of the Economic Operational Staff (*Wirtschaftsfuehrungsstab*) East. In this connection I had conferences with General Thomas, State Secretary (*Staatssekretaer*) Koerner, State Secretary Backe, Ministerial Director Riecke, General Schubert and others. Far-reaching agreement was reached in the eastern questions as regards direct technical work now and in the future. A few problems regarding the relationship of the proposed Reich ministry toward the four-year plan are still open and will be subject, after submission, to a decision of the Fuehrer. In principle I declared that I am in no way intended to found an economic department in my office, economics would rather be handled substantially and practically by the Reichsmarschall and the persons appointed by him, however the two responsible department heads, namely Ministerial Director Dr. Schlotterer for industrial economics and Ministerial Director Riecke for food economies, would be placed in my office as permanent liaison men, to coordinate here political aims with the economic necessities, in a department which would have to unite yet other persons for such coordinating work, depending on later and for work (political leadership of labor unions, construction etc.). After notification of the Reich foreign minister, the latter appointed Geheimrat Grosskopf as permanent liaison man to my office. For the requested representation in the political department of my office (headed by Reichsamtsleiter Dr. Leibbrandt) the foreign ministry released General Counsel Dr. Braeutigam, who is known to me for many years, speaks Russian, and worked for years in Russia. Negotiations which if necessary will be placed before the Fuehrer are under way with the foreign office regarding its wishes for the assignment of its representatives to the future Reich commissioners.

"The propaganda ministry appointed State Secretary Gutterer as permanent liaison man, and a complete agreement was reached to the effect that the decisions on all political and other essays, speeches, proclamations, etc. would be made in my office; a great number of substantial works for propaganda would be delivered and the papers prepared by the propaganda ministry would be modified here if necessary. The whole practical employment of propaganda will undisputedly be subject to the Reich ministry of public enlightenment and propaganda. For the sake of closer cooperation the propaganda ministry assigns yet another person directly to my department 'Enlightenment and Press' (*Aufklaerung und Presse*) and in addition appoints a permanent press liaison man. All these activities have been going on for some time, and without attracting attention to my office in any way, this agreement on contents and terminology takes place continually every day.

"Thorough discussions took place with Reichsminister Ohnesorge concerning future transmission of communication and setting up of all technical necessities in future occupied territories; with Reichsminister Seldte on the supply of labor forces, with Reichsminister Frick (State Secretary Stuckart) in detailed form on the assignment of numerous necessary officials for the commissariats. According to the present estimate there will be four Reichs Kommissariats, as approved by the Fuehrer. I shall propose to the Fuehrer for political and other reasons to set up a suitable number of General Commissariats (24) Main Commissariats (about 80) and Regional (*Gebiet*) Commissariats (over 900). A General Commissariat would correspond to a former Generalgovernment, a Main Commissariat to a Maingovernment. A Regional Commissariat contains 3 or 4 Districts (*Kreise*). In view of the huge spaces that is the minimum number which appears necessary for a future civil government and/or administration. A portion of the officials has already been requested on the basis of the above named command of the Chief of the OKW.

"In the same manner conferences have taken place with the Reich Physicians Leader *(Reichsaerztefuehrer)* Dr. Conti, the Inspector of the Army Veterinary Service, and all specialists belonging thereto. The difficulties of medical and veterinary supply were thoroughly discussed and the measures were previewed, in order to insure well-prepared employment of the forces mentioned after the end of the operations. A conference with Reichsminister Dr. Todt resulted in the assignment first of all of 4 higher leaders of the Construction Service, whereupon Dr. Todt proposed to unite administratively under one leadership the whole Construction Service.

"Discussions took place with Reich Leader Amann and his chief of staff Rienhardt regarding the publication of four German newspapers in the Reich Commissariats to start with. Furthermore a number of newspapers in the prospective native tongues were considered. According to the latest information the technical forces, for this work are already at the border and may be committed at any time to determine whether the prerequisites for printing shops are present.

"Discussions are also under way with Corpsleader (*Korpsfuehrer*) Huehnlein and with the Reich youth leadership to assure a necessary and suitable mobilization. Intensive talks also took place with the Chief of Staff (*Stabschef*) of the SA. He was asked to make available a number of the most reliable SA leaders for this gigantic territory, which he agreed to do. The personnel suggestions together with other suggestions will be submitted to the Fuehrer.. The same agreement has been reached with the Reich organizational leader (*Reichsorganisationsleiter*), who has instructed the commander of Kroessinsee, Gohdes, to carry out the swelling channelling of requested persons, to admit them into Kroessinsee for schooling and instruction on the whole problem and prepare them in the best manner for commitment. On the orders of Dr. Ley party member Marrenbach was then employed in order to take over already now the leadership of Russian labor unions in connection with the Wehrmacht. That appeared as an eminently important problem, particularly also in connection with the economic leadership, because the labor unions undoubtedly have been a powerful support of the Soviets and especially have the commitment of the German Labor Front appeared necessary under certain conditions.

"Lengthy discussions regarding the relationship of the Police to the new order in the East have taken place. Certain proposed changes thereto have been suggested by the Reichsfuehrer SS and on his order by Gruppenfuehrer [SS Lt Gen] Heydrich which do not appear supportable to me for the complete authority of the German Reich government in the East. Also the documents of this problem will have to be laid before the Fuehrer for decision.

"Aside from these negotiations I received the responsible deputies of the entire propaganda, namely Ministerial Director Fritsche, Ambassador Schmidt, Reich Superintendent of Broadcasting Glasmeier, Dr. Grothe OKW, and others. Without going into details of political objectives I instructed the above-named persons in confidence about the necessary attitude, with the request to tone down the whole terminology of the press, without issuing any statements.

"The works for substantial coverage of the Eastern question prepared long ago appeared in my office, which I turned over to the propaganda deputies. I enclose a few samples thereof. These pamphlets, which may later be turned over to the press for development, deal with the whole structure and organization of the USSR, the economic possibilities of the East, Agriculture, the peoples of the Soviet Union, the work of the Komintern since 1889, the Jews in the Soviet Union since 1933, statistical results of the poll taken among the Germans in Russia, the history of the Ukraine, of the Caucasus, of Turkestan. Extensive works are in preparation for the foundation of legal administration: German law in the Ukraine, German art in the Ukraine, influence of the German language on the Ukrainian language, the Ukrainians from the viewpoint of the Germans. In addition a number of articles are being prepared in Russian language which have the purpose of enlightening the people of the Soviet Union about true conditions in Germany. These articles are also suitable as the basis for newspaper articles in the newly occupied territories. Finally, after extensive work, an ethnological map of the East based on the most recent statistical reports has been printed in great number and made available to all offices. This map can be used as the basis of eventual fixing of boundaries in the north as well as in the south, and offers points of departure for fixing the boundaries of the future Reich Commissariats.

"As a result of these conferences, conducted for the most part by myself, continuous consultation and organizational preparation is under way through my office and through those of the liaison men delegated from the other offices of the Party and the State. I may say that all the work, inasmuch as it is at all possible under present condition, is in full swing. Aside from the General and Chief commissariats more than 900 Regional Commissariats are planned, which must all be manned by political leaders, representatives of the department and officials of the Reich Ministry of the Interior. The work in the East differs basically from the conditions in the West. Whereas we can count on every technical installation and a cultured population here in the big cities, that is not the case in the East. There literally everything will have to be prepared and taken along, additionally for the gigantic spaces—not only an auto park but a great number of typewriters, office material, above all medical supplies and much more down to the bed sheets. It does not appear possible to accomplish such a project suddenly in 14 days, therefore all these arrangements had to be set in full motion already now on my responsibility on the basis of the Fuehrer's decree.

"The structure of my office itself is temporarily organized as follows in carrying out the Fuehrer's order. I have requested Gauleiter and Reichsstatthalter Dr. Meyer as my permanent representative. He has negotiated personally and thoroughly, through the whole time with all pertinent offices, in order to develop all aspects down to the details. A political department has been founded for the execution of the substantial work, under my co-worker of many years Dr. Leibbrandt (deputy General Consul Dr. Braeutigam), who prepares the various books and pamphlets for information. A great number of propaganda leaflets have been composed by him which will then have been scattered over the Russian front in huge numbers by the armed forces. Also for a specific time other leaflets are ready which are addressed directly to the individual races. I do not care to decide on this date for myself, and will lay these originals before the Fuehrer at the first opportunity with the request to check the contents and determine the time of the eventually approved appeals. The political department is also undertaking a thorough investigation of all those, with the

> exception of Russians, who eventually can be used as advisors for the administration of the various nationalities. Continuous discussions about this subject are under way with representatives of the OKW, the propaganda ministry, etc. Secondly a department of economic—political cooperation has been founded under direction of Oberbereichsleiter Malletke. A department of 'Law, Finance, and Administration' has been taken over by Regierungspraesident Runte. A department for Culture and Science is as yet unoccupied since the development of this question does not appear urgent. Also the department 'Enlightenment and Press'. It is occupied by Major of the Air Force Carl Cranz, deputy Job Zimmermann. Integrated here are co-workers who command the Russian, Ukrainian, and other languages. The wishes of the Reich Press Chief *(Reichspressechef)* for setting up one press chief for each Reichskommissar are under discussion in order to decide them in that sense if possible. "Thus I hope that when, after preliminary conclusion of the military action the Fuehrer has the possibility for a report from me, I shall be able to report to the Fuehrer far reaching preparations, up to those points of special and personal nature which the Fuehrer alone can decide." (*1039–PS*)

(As a part of the case to be presented by the Soviet prosecuting staff, it will be shown how all this planning and preparation for the elimination of the U.S.S.R. as a political factor were actually carried out. The planned execution of intelligentsia, and other Russian leaders was, for example, but a part of the actual operation of the program to destroy the Soviet Union politically and make impossible its early resurrection as a European Power.)

Having thus elaborately prepared on every side for the invasion of the Soviet Union, the Nazi conspirators proceeded to carry out their plans and on 22 June 1941 hurled their armies across the borders of the U.S.S.R. In announcing this act of perfidy to the world, Hitler issued a proclamation on the day of the attack, which declared: "I have therefore today decided to give the fate of Europe again into the hands of our soldiers."

This announcement told the world that the die had been cast; that the plans darkly conceived almost a full year before and secretly and continuously developed since then, had now been brought to fruition. The Nazi conspirators, having carefully and completely planned and prepared this war of aggression, now proceeded to initiate and wage it.

F. *The Motives for the Attack.*

It should first be pointed out that not only was Germany bound by solemn covenant not to attack the U.S.S.R., but throughout the entire period from August 1939 to the invasion in 1941, the Soviet Union was faithful to its agreements with Germany and displayed no aggressive intentions toward the territories of the German Reich. General Thomas, for example, points out in his draft of "Basic Facts for a History of the German War and Armaments Economy" (*2353–PS*), that insofar as the German-Soviet trade agreement of 11 August 1939 was concerned, the Soviets carried out their deliveries thereunder up to the very end. Thomas points out that deliveries by the Soviets were usually made quickly and well, and since the food and raw material being thus delivered was considered essential to the German economy, efforts were made to keep up their side too. However, as preparations for the campaign proceeded, the Nazis cared less about maintaining their obligations. At page 315 of his book Thomas says:

> "Later on the urgency of the Russian deliveries diminished, as preparations for the campaign in the East were already under way.
>
> "The Russians carried out their deliveries as planned, right up to the start of the attack; even during the last few days, transports of India-rubber from the Far East were completed by Express transit trains." (*2353–PS*)

Again at page 404, Thomas brings this point out even more forcefully:

> "In addition to the Italian negotiations, until June, 1941, the negotiations with Russia were accorded a great deal of attention. The Fuehrer issued the directive that, in order to camouflage German troop movements, the orders Russia has placed in Germany must be filled as promptly as possible. Since the Russians only made grain deliveries, when the Germans delivered orders placed by the Russians, and since in the case of individual firms these deliveries to Russia made it impossible for them to fill orders for the German armed forces, it was necessary for the Wi Rue office to enter into numerous individual negotiations with German firms in order to coordinate Russian orders with those of the German from the standpoint of priority. In accordance with the wishes of the Foreign Office, German industry was instructed to accept all Russian orders, even if it were impossible to fill them within the limits of the time set for manufacture and delivery. Since in May especially, large deliveries had to be made to the Navy, the firms were instructed to allow the

> equipment to go through the Russian Acceptance Commission, then, however, to make such a detour during its transportation as to make it impossible for it to be delivered over the frontier prior to the beginning of the German attack." (*2353–PS*)

Not only was the Soviet Union faithful to its treaty obligations with Germany, but she had no aggressive intentions toward German territory. A file on Russo-German relations found in the files of the Naval High Command, covering the entire period from the treaty to the attack (*C–170*), demonstrates this point conclusively. It will be sufficient to quote a few entries, which include reports from the German ambassador in Moscow as late as June 1941. Entry 165 reads:

> "165 A 22,29 4 June
>
> "Outwardly, no change in the relationship Germany-Russia. Russian deliveries continue to full satisfaction. Russian government is endeavoring to do everything to prevent a conflict with Germany." (*C–170*)

Entry 167 reads:

> "167 A 22.53 6 June
>
> "Ambassador in Moscow reports * * * Russia will only fight if attacked by Germany. Situation is considered in Moscow much more serious than up to now. All military preparations have been made quietly—as far as can be recognized only defensive. Russian policy still strives as before to produce the best possible relationship to Germany as good." (*C–170*)

Entry 169 also reiterates this point:

> "169 A 22.65 7 June
>
> "From the report of the Ambassador in Moscow * * *. All observations show that Stalin and Molotov, who alone are responsible for Russian foreign policy, are doing everything to avoid a conflict with Germany. The entire behavior of the Government, as well as the attitude of the press, which reports all events concerning Germany in a factual, indisputable manner, support this view. The loyal fulfillment of the economic treaty with Germany proves the same thing." (*C–170*)

The reasons, therefore, which led to the attack on the Soviet Union could not have been self-defense or treaty breaches. No doubt, as has been necessarily implied from the materials presented on planning and preparation, more than one motive entered into the decision of the Nazi conspirators to launch their aggression against the U.S.S.R. All of them, however, appear to blend into one grand motif of Nazi policy. The pattern into which these varied reasons fall is the traditional Nazi ambition for expansion to the East at the expense of the U.S.S.R. This Nazi version of an earlier imperial imperative, *"Drang Nach Osten,"* had been a cardinal principle of the Party almost since its birth, and rested on the twin bases of political strategy and economic aggrandizement. Politically, such action meant elimination of the powerful force to the East, which might constitute a threat to German ambition, and acquisition of *Lebensraum.* Economically, it offered opportunities for the plunder of vast quantities of food, raw materials, and other supplies. Undoubtedly the demands of the German War economy for food and raw material served to revive the attractiveness of the economic side of this theory while the difficulties Germany was experiencing in defeating England reaffirmed for the Nazi conspirators the temporarily forgotten Nazi political imperative of eliminating, as a political factor, their one formidable opponent on the continent.

As early as 1923 Hitler outlined this theory in some detail in *Mein Kampf,* where he stated, at page 641 of the Houghton Mifflin English edition:

> "There are two reasons which induce me to submit to a special examination the relation of Germany to Russia:
>
> "1. Here perhaps we are dealing with the most decisive concern of all German foreign affairs; and
>
> "2. This question is also the touchstone for the political capacity of the young National Socialist movement to think clearly and to act correctly."

Again, at page 654 of the same edition:

> "And so we National Socialists consciously draw a line beneath the foreign policy tendency of our pre-war period. We take up where we broke off six hundred years ago. We stop the endless German movement to the south and west, and turn our gaze toward the land in the east. At long last we break off the colonial and commercial policy of the pre-war period and shift to the soil policy of the future.
>
> "If we speak of soil in Europe today, we can primarily have in mind only Russia and her vassal border states."

The political portion of this dichotomy of purpose is clearly reflected in the stated purposes, previously discussed, of the organization which Rosenberg set up to administer the occupied Eastern Territories. In a speech which Rosenberg delivered, two days before the attack, to the people most interested in the problem of the East, he restated in his usual somewhat mystic fashion the political basis for the campaign and its interrelationship with the economic goal (*1058–PS*). A short extract from that speech reads as follows:

> "The job of feeding the German people stands, this year, without a doubt, at the top of the list of Germany's claims on the East; and here the southern territories and the northern Caucasus will have to serve as a balance for the feeding of the German people. We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings. A very extensive evacuation will be necessary, without any doubt, and it is sure that the future will hold very hard years in store for the Russians. A later decision will have to determine to which extent industries can still be maintained there (Wagon Factories, etc.). The consideration and execution of this policy in the Russian area proper is for the German Reich and its future a tremendous and by no means negative task, as might appear, if one takes only the harsh necessity of the evacuation into consideration. The conversion of Russian dynamics towards the East is a task which requires the strongest characters. Perhaps, this decision will also be approved by a coming Russia later, not in 30 but maybe in a 100 years. For the Russian soul has been torn in the struggle of the last 200 years. The original Russians are excellent artistic craftsmen, dancers and musicians. They have certain hereditary talents, but these talents are different from these of the Western people. The fight between Turgenjew and Dostejewsky was symbolic for the nation. The Russian soul found no outlet, either way. If we now close the West to the Russians, they might become conscious of their own inborn, proper forces and of the area to which they belong. An historian will maybe see this decision in a different light, in hundreds of years than it might appear to a Russian today." (*1058–PS*)

As has been indicated, the failure of the Nazi conspirators to defeat Britain had served further to strengthen them in their belief in the political necessity of eliminating the Soviet Union as a European factor before Germany could completely achieve her role as the master of Europe.

The economic motive for the aggression was disclosed in the previous discussion of the organization set up under Goering and General Thomas to carry out the economic exploitation of the territory to be occupied. The purely materialistic basis for the attack was unmistakable. If any doubt existed that at least one of the main purposes of the invasion was to steal the food and raw material needed for the Nazi war machine, regardless of the consequences to the Russian people which such robbery would entail, that doubt is dispelled by a memorandum showing clear and conscious recognition by the Nazis that their plans would no doubt result in starving to death millions of people. (*2718–PS*)

On 20 June 1941 General Thomas wrote a memorandum along a similar line, in which he stated that Keitel had confirmed to him Hitler's present conception of the German economic policy concerning raw materials (*1456–PS*). This policy expressed the theory that less manpower would be used in the conquest of sources of raw materials than would be necessary to produce synthetics in lieu of such raw materials. This memorandum reads, in part:

> "The following is the new conception of the Fuehrer, which Minister Todt has explained to me and which has been confirmed later on by Field Marshal Keitel:
>
> "1. The course of the war shows that we went too far in our autarchical endeavors. It is impossible to try and manufacture everything we lack, by synthetic procedures, or other measures. For instance, it is impossible to develop our motor fuel economy to a point where we can entirely depend on it. All these autarchical endeavors ask for a tremendous amount of manpower, and it is simply impossible to provide it. One has to choose another way. What one does not have, but needs, one must conquer. The commitment of men which is necessary one single time, will not be as great as the one that is currently needed for the running of the synthetic factories in question. The aim must also be to secure all territories, which are of special interest to us for the war economy, by conquering them.
>
> "At the time the 4-year-plan was established, I issued the statement where I made it clear that a completely autarchical economy is impossible for us, because the need of men will be too great. Nevertheless, my solution was always to provide the necessary reserves for missing stocks respectively to secure the delivery in wartime through economic alliances." (*1456–PS*)

On this macabre note the story of this aggression comes to an end. In view of the solemn pledge of non-aggression; the base and sinister motives involved; the months of secret planning and preparation; and the suffering intentionally and deliberately wrought; it may perhaps not be too much to say that in the history of relations between sovereign nations, a blacker chapter has never been written than the one which tells of the Nazi conspirators' unprovoked invasion of the territory of the Soviet Union.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO AGGRESSION AGAINST THE USSR

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
	International Military Tribunal, Indictment Number 1, Sections IV (F) 6; V....................	I	27,29
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*444-PS	Original Directive No. 18 from Fuehrer's Headquarters signed by Hitler and initialled by Jodl, 12 November 1940, concerning plans for prosecution of war in Mediterranean Area and occupation of Greece. (GB 116)...............	III	403

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*446–PS	Top Secret Fuehrer Order No. 21 signed by Hitler and initialled by Jodl, Warlimont and Keitel, 18 December 1940, concerning the Invasion of Russia (case Barbarossa). (USA 31).............	III	407
*447–PS	Top Secret Operational Order to Order No. 21, signed by Keitel, 13 March 1941, concerning Directives for special areas. (USA 135).	III	409
*864–PS	Top Secret Note, 20 October 1939, on conference between Hitler and Chief OKW concerning future relations of Poland to Germany, 17 October 1939. (USA 609)......	III	619
*865–PS	Correspondence between Keitel, Rosenberg and Lammers, April 1941, concerning appointment of Jodl and Warlimont as OKW representatives with Rosenberg. (USA 143)......................	III	621
*872–PS	Memorandum of Discussion between the Fuehrer and the OKW, concerning case "Barbarossa" and "Sonnenblume" (African operation). (USA 134)................	III	626
*873–PS	Top secret memorandum of discussion with the Chief "L", 30 April 1941, about the invasion of Russia. (USA 137)..............	III	633
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	"Barbarossa", signed by Keitel for Hitler, and initialled by Jodl..	III	637
*1017–PS	Memorandum entitled "Memorial No. 1 regarding USSR", 2 April 1941, found in Rosenberg's "Russia File". (USA 142)............	III	674
*1019–PS	Appendix to Memorandum No. 2. Recommendation as to the personnel for the Reich Commissariats in the East and for the Political Central Office in Berlin, 7 April 1941. (USA 823).........	III	681
*1029–PS	Paper entitled "Instructions for a Reich Commissar in the Baltic States", 8 May 1941, found in Rosenberg's "Russia File". (USA 145)............................	III	690
*1030–PS	General instructions for all Reich Commissars in the Occupied Eastern Territories, 8 May 1941, found in Rosenberg file. (USA 144).....	III	692
1034–PS	Minutes of discussion concerning Construction and Administration, 22 June 1941....................	III	693
*1039–PS	Report concerning preparatory work regarding problems in Eastern Territories, 28 June 1941, found in Rosenberg's "Russia File". (USA 146)...............	III	695
*1058–PS	Excerpt from a speech, 20 June 1941, by Rosenberg before people most intimately concerned with Eastern Problem, found in his "Russia File". (USA 147).......	III	716
1156–PS	Report to Goering from Chief of Office for War Mobilization of Economy, 19 March 1941.........	III	808
*1157–PS	Report on conference, 29 April 1941, concerning top secret plan		

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	for Economic exploitation of Soviet Areas (Oldenburg Plan). (USA 141)	III	811
*1229–PS	OKW Directive to the German Intelligence Service in the East, signed by Jodl, 6 September 1940. (USA 130)	III	849
1316–PS	Top secret note for files on conference of 21 March 1941 concerning employment of Quartermaster General	III	908
*1317–PS	Top secret notes taken by Hamann of a discussion of the economic exploitation of Russia, presided over by General Thomas, 28 February 1941. (USA 140)	III	911
*1456–PS	Thomas memorandum 20 June 1941; Keitel consulted about resources of USSR. (USA 148)	IV	21
*1517–PS	Memorandum from Rosenberg concerning discussion with the Fuehrer, 14 December 1941. (USA 824)	IV	55
*1799–PS	Annex 1 to report of Chief of General Staff of the Army, 5 December 1940, concerning planned operation in the East. (USA 131)	IV	374
*1834–PS	Report on conference between Ribbentrop and Oshima, 23 February 1941. (USA 129)	IV	469
*2353–PS	Extracts from General Thomas' Basic Facts for History of German War and Armament Economy. (USA 35)	IV	1071
*2718–PS	Memorandum "About the result of today's discussion with State Secretaries about Barbarossa", 2 May 1941. (USA 32)	V	378
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3031–PS	Affidavit of General Warlimont, 21 November 1945, stating that first directive for campaign against USSR was issued in August 1940...	V	740
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*C–77	Memorandum from Chief of High Command to Navy High Command, 18 May 1941. (GB 146)....	VI	908
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*L–172	"The Strategic Position at the Beginning of the 5th Year of War", a lecture delivered by Jodl on 7 November 1943 at Munich to Reich and Gauleiters. (USA 34)........	VII	920
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13. COLLABORATION WITH ITALY AND JAPAN AND AGGRESSIVE WAR AGAINST THE UNITED STATES: NOVEMBER 1936 TO DECEMBER 1941

In the course of two years, the swastika had been carried forward by force of arms from a tightly controlled and remilitarized Germany to the four corners of Europe. The conspirators then projected the Nazi plan upon a universal screen, involving the old World of Asia and the New World of the United States of America. As a result, the wars of aggression that were planned in Berlin and launched across the frontiers of Poland ended some six years later, almost to the day, in surrender ceremonies aboard a United States battleship riding at anchor in the Bay of Tokyo.

A. *Formal German—Japanese—Italian Alliances.*

The first formal alliance between Hitler's Germany and the Japanese Government was the Anti-Comintern Pact signed in Berlin on 25 November 1936 (*2508-PS*). This agreement, on its face, was directed against the activities of the Communist International. It was subsequently adhered to by Italy on 6 November 1937 (*2506-PS*).

It is an interesting fact—especially in light of the evidence to be presented regarding Ribbentrop's active participation in collaboration with the Japanese—that Ribbentrop signed the Anti-Comintern Pact for Germany, at Berlin, even though at that time, November 1936, Ribbentrop was not the German Foreign Minister, but simply Hitler's Special Ambassador Plenipotentiary.

On 27 September 1940, some four years after the Anti-Comintern Pact was signed and one year after the initiation of war in Europe, the German, Italian, and Japanese Governments signed another pact at Berlin—a ten-year military-economic alliance (*2643-PS*). Again Ribbentrop signed for Germany, this time in his capacity as Foreign Minister: This Tripartite Pact pledged

Germany, Italy, and Japan to support of, and collaboration with each other in the establishment of a "new order" in Europe and East Asia. The agreement stated, in part:

> "The Governments of Germany, Italy, and Japan consider it as a condition precedent of a lasting peace, that each nation of the world be given its own proper place. They have therefore decided to stand together and to cooperate with one another in their efforts in Greater East Asia and in the regions of Europe, wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the prosperity and welfare of the peoples there. Furthermore, it is the desire of the three Governments to extend this cooperation to such nations in other parts of the world as are inclined to give to their endeavors a direction similar to their own, in order that their aspirations towards world peace as the ultimate goal may thus be realized. Accordingly, the Governments of Germany, Italy, and Japan have agreed as follows:
>
> "Article 1: Japan recognizes and respects the leadership of Germany and Italy in the establishment of a new order in Europe.
>
> "Article 2: Germany and Italy recognize and respect the leadership of Japan in the establishment of a new order in Greater East Asia.
>
> "Article 3: Germany, Italy, and Japan agree to cooperate in their efforts on the aforesaid basis. They further undertake to assist one another with all political, economic and military means, if one of the three Contracting Parties is attacked by a Power at present not involved in the European war or in the Chinese-Japanese conflict."

* * * * * * *

> "Article 6: The present Pact shall come into force immediately upon signature and shall remain in force for ten years from the date of its coming into force." (*2643–PS*)

The Tripartite Pact of 27 September 1940 thus was a bold announcement to the world that the leaders of Germany, Japan, and Italy had cemented a full military alliance to achieve world domination and to establish the "new order" presaged by the Japanese invasion of Manchuria in 1931, the Italian conquest of Ethiopia in 1935, and the Nazi overflow into Austria early in 1938.

A statement by Cordell Hull, Secretary of State of the United States at the time of the signing of the Tripartite Pact, is relevant in this connection. Mr. Hull declared:

> "The reported agreement of alliance does not, in the view of

> the Government of the United States, substantially alter a situation which has existed for several years. Announcement of the alliance merely makes clear to all a relationship which has long existed in effect and to which this Government has repeatedly called attention. That such an agreement has been in process of conclusion has been well known for some time, and that fact has been fully taken into account by the Government of United States in the determining of this country's policies." (*2944–PS*)

No attempt is made here to trace the relationships and negotiations leading up to the Tripartite Pact of 27 November 1940. Nevertheless, one example of the type of German-Japanese relationship existing before the formalization of the Tripartite Pact is noteworthy—the record of a conversation of 31 January 1939 between Himmler and General Oshima, Japanese Ambassador at Berlin. This record, which is signed by Himmler in crayon, reads:

> "*File Memorandum*
>
> "Today I visited General Oshima. The conversation ranged over the following subjects:
>
> "1. The Fuehrer speech, which pleased him very much, especially because it had been spiritually warranted in all its features.
>
> "2. We discussed conclusion of a treaty to consolidate the triangle Germany/Italy/Japan into an even firmer mold. He also told me that, together with German counter-espionage (*Abwehr*), he was undertaking long-range projects aimed at the disintegration of Russia and emanating from the Caucasus and the Ukraine. However, this organization was to become effective only in case of war.
>
> "3. Furthermore he had succeeded up to now to send 10 Russians with bombs across the Caucasian frontier. These Russians had the mission to kill Stalin. A number of additional Russians, whom he had also sent across, had been shot at the frontier." (*2195–PS*)

B. *Nazi Encouragement of Aggression by Japan*

The Nazi conspirators, once their military and economic alliance with Japan had been formalized, exhorted the Japanese to aggression against those nations with whom they were at war and against those with whom they contemplated war. In this the Nazi conspirators pursued a course strikingly parallel to that followed in their relationship with the other member of the European Axis. On 10 June 1940, in fulfillment of her alliance with Germany, Italy had carried out her "stab in the back" by declaring war against France and Great Britain. The Nazi conspirators set about to induce similar action by Japan on the other side of the world.

The nations against whom the German-Japanese collaboration was aimed, at various times, were the British Commonwealth of Nations, the Union of Soviet Socialist Republics, and the United States of America.

(1) *Exhortations to Attack the British Commonwealth.* At least as early as 23 February 1941 the Nazi conspirators undertook to exploit their alliance with Japan by exhortations to commit aggression against the British Commonwealth. Again the figure of Ribbentrop appears. On that date, 23 February 1941, he held a conference with General Oshima, the Japanese Ambassador to Berlin, at which he urged that the Japanese open hostilities against the British in the Far East as soon as possible. (*1834–PS*)

As can be seen on the cover page of the English translation of the report of that conference, Ribbentrop on 2 March sent copies of an extract of the record of this conference to his various ambassadors and ministers for their "strictly confidential and purely personal information," with the further note that "these statements are of fundamental significance for orientation in the general political situation facing Germany in early Spring 1941." The report stated, in part:

> "Strictly secret
>
> "Extract
>
> "from the report of the conference of the Reich Foreign Minister with Ambassador Oshima in Fuschl on 13 February 1941."
>
> * * * * * * *
>
> "After particularly cordial mutual greetings, the RAM [Reich Foreign Minister] declared that Ambassador Oshima had been proved right in the policy he had pursued regarding Germany in the face of the many doubters in Japan. By Germany's victory in the west these policies had been fully vindicated. He [the RAM] regretted that the alliance between Germany and Japan, for which he had been working with the Ambassador for many years already, had come into being only after various detours, but public opinion in Japan had not been ripe for it earlier. The main thing was, however, that they are together now.
>
> "* * * Now the *German-Japanese alliance* has been concluded. Ambassador Oshima is the man who gets credit for it from the Japanese side. After conclusion of the alliance

> the question of its further *development* now stands in the foreground. How is the situation in this respect? (*1834–PS*)

Ribbentrop subsequently proceeded to shape the argument for Japanese intervention against the British. First outlining the intended air and U-boat warfare against England, he said:

> "* * * Thereby England's situation would take catastrophic shape overnight. The landing in England is prepared; its execution, however, depends on various factors, above all on weather conditions."

* * * * * * *

> "The Fuehrer would beat England wherever he would encounter her. Besides our strength is not only equal, but superior to a combined English-American air force at any time. The number of pilots at our disposal was unlimited. The same was true for our airplane production capacity. As far as quality is concerned ours was always superior to the English (to say nothing about the American) and we were on the way even to enlarge this lead. On order of the Fuehrer the antiaircraft defense too would be greatly reinforced. Since the army had been supplied far beyond its requirements, and enormous reserves had been piled up (the ammunitions plants have been slowed down because of the immense stock of material), production would now be concentrated on submarines, airplanes and antiaircraft guns.
>
> "Every eventuality had been provided for; the war has been won to-day militarily, economically and politically. We had the desire to end the war quickly and to force England to sue for peace soon. The Fuehrer was vigorous and healthy, fully convinced of victory and determined to bring the war to a quick and victorious end. To this end the co-operation with Japan was of importance. However, Japan in its own interest, should come in as soon as possible. This would destroy England's key position in the Far East. Japan, on the other hand, would thus secure its position in the Far East, a position which it could acquire only through war. There were three reasons for quick action:
>
> "1. Intervention by Japan would mean a decisive blow against the center of the British Empire (threat to India, cruiser-warfare, etc.) The effect upon the morale of the British people would be very serious and this would contribute toward a quick ending of the war.
>
> "2. A surprising intervention by Japan was bound to keep America out of the war. America, which at present is not

> armed as yet and would hesitate greatly to expose her Navy to any risks West of Hawaii, could do this even less so in such a case. If Japan would otherwise respect the American interests, there would not even be the possibility for Roosevelt to use the argument of lost prestige to make war plausible to the Americans. It was very unlikely that America would declare war if it then would have to stand by helplessly while Japan takes the Philippines without America being able to do anything about it.
>
> "3. In view of the coming new world order it seems to be in the interest of Japan also to secure for herself already during the war the position she wants to hold in the Far East at the time of a peace treaty. Ambassador Oshima agreed with me entirely and said that he would do everything to carry through this policy." (*1834–PS*)

The subtlety of Ribbentrop's argument is noteworthy. First he told the Japanese Ambassador that Germany had already practically won the war by herself. Nevertheless, he suggested that the war could be successfully terminated more quickly with Japan's aid and that the moment was propitious for Japan's entry. Then, referring to the spoils of conquest, he indicated that Japan would be best advised to pick up by herself during the war the positions she wanted, implying that she would have to earn her share of the booty.

The remainder of Ribbentrop's argument shows something of the real nature of the German-Japanese alliance:

> "The Reich Foreign Minister continued by saying that it was Japan's friendship which had enabled Germany to arm after the Anti-Comintern Pact was concluded. On the other hand, Japan had been able to penetrate deeply into the English sphere of interest in China. Germany's victory on the continent has brought now, after the conclusion of the Three Power Pact, great advantages for Japan. France, as a power, was eliminated in the Far East (Indo-China). England too was considerably weakened; Japan had been able to close in steadily on Singapore. Thus, Germany had already contributed enormously to the shaping of the future fate of the two nations. Due to our geographical situation we should have to carry the main burden of the final battle in the future, too. If an unwanted conflict with Russia should arise we should have to carry the main burden also in this case. If Germany should ever weaken Japan would find itself confronted by a world-coalition within a short time. We were all in the same boat. The fate of both

> nations was being determined now for centuries to come. The same was true for Italy. The interests of the three countries would never intersect. A defeat of Germany would also mean the end of the Japanese imperialistic idea. "Ambassador Oshima definitely agreed with these statements and emphasized the fact that Japan was determined to keep its imperial position. The Reich Foreign Minister then discussed the great problems which would arise after the war for the parties of the Three Power Pact from the shaping of a new order in Europe and East Asia. The problems arising then would require a bold solution. Thereby no overcentralization should take place, but a solution should be found on a basis of parity, particularly in the economic realm. In regard to this the Reich Foreign Minister advanced the principle that a free exchange of trade should take place between the two spheres of interest on a liberal basis. The European-African hemisphere under the leadership of Germany and Italy, and the East-Asian sphere of interest under the leadership of Japan. As he conceived it, for example, Japan would conduct trade and make trade agreements directly with the independent states in the European hemisphere, as heretofore, while Germany and Italy would trade directly and make trade agreements with the independent countries within the Japanese orbit of power, such as China, Thailand, Indochina, etc. Furthermore, as between the two economic spheres, each should fundamentally grant the other preferences with regard to third parties. The Ambassador expressed agreement with this thought." (*1834–PS*)

The instigation to war by Ribbentrop, the German Foreign Minister, is clear. The participation of the German military representatives in the encouragement and provocation of wars of aggression is shown in a Top Secret order signed by Keitel as Chief of the OKW and entitled "Basic Order No. 24 Regarding Collaboration with Japan" (*C–75*). It is dated 5 March 1941, about a week and a half after Ribbentrop's conference with Oshima, just discussed. It was distributed in 14 copies to the highest commands of the Army, Navy, and Air Force as well as to the Foreign Office. Two copies of this order, identical except for handwritten notations presumably made by the recipients, were turned up by the prosecution. Document *C–75* is Copy No. 2 of the order, distributed to the Naval War Staff of the Commander-in-Chief of the Navy (the OKM). Copy No. 4, designed for the *Wehrmacht Fuehrungsstab*—the Operations Staff of the High Command of the Armed Forces—was found in the OKW files at Flensburg. The head of this Operations Staff was Jodl.

Basic Order No. 24 was the authoritative Nazi policy on collaboration with Japan (*C–75*). It reads:

"TOP SECRET
"Only by Officer

"Armed Forces High Command (OKW)
Joint Operations Staff, Branch L (I Op.)
No. 44 282/41 Top Secret

"Fuehrer's Headquarters
5 March 1941

[Various handwritten notations and stamps]

"14 copies
"2nd copy

"Basic Order No. 24
regarding collaboration with Japan

"The Fuehrer has issued the following order regarding collaboration with Japan:

"1. It must be the *aim* of the collaboration based on the Three Power Pact to induce Japan as soon as possible *to take active measures in the Far East.* Strong British forces will thereby be tied down, and the center of gravity of the interests of the United States of America will be diverted to the Pacific.

"The sooner it intervenes, the greater will be the prospects of success for Japan in view of the still undeveloped preparedness for war on the part of its adversaries. The "Barbarossa" operation will create particularly favorable political and military prerequisites for this. [Marginal note — "slightly exaggerated"]

"2. *To prepare the way* for the collaboration it is essential to strengthen the *Japanese military potential* with all means available.

"For this purpose the High Commands of the branches of the Armed Forces will comply in a comprehensive and generous manner with Japanese desires for information regarding German war and combat experience and for assistance in military economics and in technical matters. Reciprocity is desirable but this factor should not stand in the way of negotiations. Priority should naturally be given to those Japanese requests which would have the most immediate application in waging war.

"In special cases the Fuehrer reserves the decisions to himself.

"3. The *harmonizing of the operational plans of the two parties* is the responsibility of the Navy High Command.

"This will be subject to the following guiding principles:

"*a.* The *common aim* of the conduct of war is to be stressed as forcing England to the ground quickly and thereby keeping the United States out of the war. Beyond this Germany has no political, military, or economic interests in the Far East which would give occasion for any reservations with regard to Japanese intentions.

"*b.* The great successes achieved by Germany in *mercantile warfare* make it appear particularly suitable to employ strong Japanese forces for the same purpose. In this connection every opportunity to support German mercantile warfare must be exploited.

"*c.* The *raw material situation* of the *pact powers* demands that Japan should acquire possession of those territories which it needs for the continuation of the war, especially if the United States intervenes. Rubber shipments must be carried out even after the entry of Japan into the war, since they are of vital importance to Germany.

"*d.* The *seizure of Singapore* as the key British position in the Far East would mean a decisive success for the entire conduct of war of the Three Powers.

"In addition, attacks on other systems of bases of British naval power—extending to those of American naval power only if the entry of the United States into the war cannot be prevented—will result in weakening the enemy's system of power in that region and also, just like the attack on sea communications, in tying down substantial forces of all kinds (Australia).

"A date for the beginning of operational discussions cannot yet be fixed.

"4. In the *military commissions* to be formed in accordance with the *Three Power Pact,* only such questions are to be dealt with as equally concern the *three* participating powers. These will include primarily the problems of *economic warfare.*

"The working out of the details is the responsibility of the "Main Commission" with the cooperation of the Armed Forces High Command.

> "5. The Japanese must not be given any intimation of the Barbarossa operation.
>
> "The Chief of the Armed Forces High Command
> "Signed in draft: Keitel
>
> "Correctness certified by
> JUNGE
> Lieutenant Commander" (*C–75*)

It appears from this document that the Nazi conspirators' cardinal operational principle in their collaboration with Japan was, as early as March 1941, the inducement of Japan to aggression against Singapore and other British Far Eastern bases.

A meeting was held on 18 March 1941, about two weeks after the issuance of Basic Order No. 24 (*C–75*) and was attended by Hitler, Raeder, Keitel, and Jodl. The top secret record of this meeting discloses that Raeder, then Commander in Chief of the Navy, made the following calculations:

> "Japan must take steps to seize Singapore as soon as possible, since the opportunity will never again be as favourable (whole English Fleet contained; unpreparedness of U. S. A. for war against Japan; inferiority of U. S. Fleet vis-a-vis the Japanese). Japan is indeed making preparations for this action, but according to all declarations made by Japanese officers she will only carry it out if Germany proceeds to land in England. Germany must therefore concentrate all her efforts on spurring Japan to act immediately. If Japan has Singapore all other East Asiatic questions regarding the U. S. A. and England are thereby solved (Guam, Philippines, Borneo, Dutch East Indies).
>
> "Japan wishes if possible to avoid war against U. S. A. She can do so if she determinedly takes Singapore as soon as possible." (*C–152*)

The fact clearly appears from these minutes that military staff conferences had already been held with the Japanese to discuss the activation of Japanese military support against the British and to urge their immediate attack on Singapore. Another passage in the record of this meeting establishes this:

> "Japan is indeed making preparations for this action, but according to all declarations made by Japanese officers she will only carry it out if Germany proceeds to land in England." (*C–152*)

Apparently the Nazis were subsequently able to persuade the Japanese to eliminate this condition precedent to their performance under the contract.

Meanwhile, Ribbentrop continued to make further efforts to induce the Japanese to aggression against the British Commonwealth. On 29 March 1941, he met with the Japanese Foreign Minister Matsuoka, who was then in Berlin. The following is a report of their conversations, found in the German Foreign Office Archives:

> "REPORT ON THE CONVERSATION BETWEEN THE REICH MINISTER FOR FOREIGN AFFAIRS (RAM) AND THE JAPANESE FOREIGN MINISTER MATSUOKA IN BERLIN ON 29 MARCH 1941.
>
> "The RAM resumed the preceding conversation with Matsuoka about the latter's impending talks with the Russians in Moscow, where they had left off. He expressed the opinion, that it would probably be best, in view of the whole situation, not to carry the discussions with the Russians too far. He did not know how the situation would develop. One thing, however, was certain, namely, that Germany would strike immediately, should Russia ever attack Japan. He was ready to give Matsuoka this positive assurance, so that Japan could push forward to the South on Singapore, without fear of possible complications with Russia. The largest part of the German army was anyway on the Eastern frontiers of the Reich, and fully prepared to open the attack at any time. He (the RAM), however, believed that Russia would try to avoid development leading to war. Should Germany however enter into a conflict with Russia, the USSR would be finished off within a few months. In this case, Japan had of course even less reason to be afraid than ever, if it wants to advance on Singapore. Consequently, it need not refrain from such an undertaking because of possible fears of Russia.
>
> "He could not know of course, just how things with Russia would develop. It was uncertain whether or not Stalin would intensify his present unfriendly policy against Germany. He (the RAM) wanted to point out to Matsuoka, in any case, that a conflict with Russia was anyhow within the realm of possibility. In any case, Matsuoka could not report to the Japanese Emperor upon his return, that a conflict between Russia and Germany was impossible. On the contrary, the situation was such, that such a conflict, even if it were not probable, would have to be considered possible."
>
> * * * * * * *
>
> "Next, the RAM turned again to the Singapore question. In view of the fears expressed by the Japanese of possible attacks by submarines, based on the Philippines, and of the

intervention of the British Mediterranean and Home fleets, he had again discussed the situation with General-Admiral Raeder. The latter had stated that the British Navy during this year would have its hands so full in the English home waters and in the Mediterranean, that it would not be able to send even a single ship to the Far East. General-Admiral Raeder had described the U. S. submarines as so bad that Japan need not bother about them at all.

"Matsuoka replied immediately that the Japanese Navy had a very low estimate of the threat from the British Navy; it also held the view that, in case of a clash with the American Navy, it would be able to smash the latter without trouble. However it was afraid that the Americans would not take up the battle with their fleet; thus the conflict with the United States might perhaps be dragged out to five years. This possibility caused considerable worry in Japan.

"The RAM replied that America could not do anything against Japan in the case of the capture of Singapore. Perhaps for this reason alone, Roosevelt would think twice before deciding on active measures against Japan. For while on one hand he could not achieve anything against Japan, on the other hand there was the probability of losing the Philippines to Japan; for the American president, of course, this would mean a considerable loss of prestige, and because of the inadequate rearmament, he would have nothing to offset such a loss.

"In this connection, Matsuoka pointed out, that he was doing everything to reassure the English about Singapore. He acted as if Japan had no intention at all regarding this key position of England in the East. Therefore it might be possible that his attitude toward the British would appear to be friendly in words and in acts. However, Germany should not be deceived by that. He assumed this attitude not only in order to reassure the British, but also in order to fool the pro-British and pro-American elements so long, until one day he would suddenly open the attack on Singapore.

"In this connection, Matsuoka stated that his tactics were based on the certain assumption that the sudden attack against Singapore would unite the entire Japanese nation with one blow. ("Nothing succeeds like success," the RAM remarked.) He followed here the example of the words of a famous Japanese statesman, addressed to the Japanese Navy at the outbreak of the Russo-Japanese war: "You open fire, then the nation will be united." The Japanese need to be shaken up to awaken. After all, as an Oriental, he believed in fate, which would come, whether you wanted it or not."

* * * * * * *

"Matsuoka then introduced the subject of German assistance in the blow against Singapore, a subject which had been broached to him frequently, and mentioned the proposal of a German written promise of assistance.

"The RAM replied that he had already discussed these questions with Ambassador Oshima. He had asked him to procure maps of Singapore in order that the Fuehrer—who probably must be considered the greatest expert on military questions at the present time—could advise Japan on the best method of attack against Singapore. German experts on aerial warfare, too, would be at her disposal; they could draw up a report, based on their European experiences, for the Japanese on the use of dive-bombers from airfields in the vicinity against the British fleet in Singapore. Thus the British fleet would be forced to disappear from Singapore immediately.

"Matsuoka remarked that Japan was less concerned with the British fleet, than with the capture of the fortifications.

"The RAM replied that here, too, the Fuehrer had developed new methods for the German attacks on strongly fortified positions, such as the Maginot Line and Fort Eben Emael, which he could make available to the Japanese.

"Matsuoka replied in this connection that some of the younger, expert Japanese naval officers, who were close friends of his, were of the opinion that the Japanese naval forces would need three months until they could capture Singapore. As a cautious Foreign Minister, he had doubled this estimate. He believed he could stave off any danger which threatened from America, for six months. If, however, the capture of Singapore required still more time and if the operations would perhaps even drag out for a year, the situation with America would become extremely critical and he did not know as yet how to meet it.

"If at all avoidable, he would not touch the Netherland East Indies, since he was afraid that in case of a Japanese attack on this area, the oilfields would be set afire. They could be brought into operation again only after 1 or 2 years.

"The RAM added that Japan would gain decisive influence over the Netherland East Indies simultaneously with the capture of Singapore." (*1877–PS*)

On 5 April, about a week after the conference just noted, Ribbentrop again met with Matsuoka and again pushed the Japanese another step along the road to aggressive war. The notes of this conference, which were also found in German Foreign Office Archives, reveal the following exchange:

> "* * * In answer to a remark by Matsuoka, that Japan was now awakening and, according to the Japanese temperament, would take action quickly after the previous lengthy deliberation, the Reich Foreign Minister replied that it was necessary, of course, to accept a certain risk in this connection, just as the Fuehrer had done so successfully with the occupation of the Rhineland, with the proclamation of sovereignty of armament, and with the resignation from the League of Nations."
>
> * * * * * * *
>
> "The Reich Foreign Minister replied that the new German Reich would actually be built up on the basis of the ancient traditions of the Holy Roman Empire of the German Nation, which in its time was the only dominant power on the European Continent.
>
> "In conclusion the Reich Foreign Minister once again summarized the points he wanted Matsuoka to take back to Japan with him from his trip:
>
> "1. Germany had already won the war. With the end of this year the world would realize this. Even England would have to concede it, if it had not collapsed before then, and America would also have to resign herself to this fact.
>
> "2. There were no conflicting interests between Japan and Germany. The future of both countries could be regulated for the long run on the basis that Japan should predominate in the Far East, Italy and Germany in Europe and Africa.
>
> "3. Whatever might happen, Germany would win the war. But it would hasten victory if Japan would enter the war. Such an entry into the war was undoubtedly more in the interest of Japan than in that of Germany, for it offered a unique opportunity which would hardly ever return, for the fulfillment of the national objectives of Japan, a chance which would make it possible for her to play a really leading role in East Asia." (*1882–PS*)

Here again, in the portions just quoted, Ribbentrop is seen pursuing the same tack previously noted: Germany has already won the war for all practical purposes. Japan's entry will hasten the inevitable end. *And* Japan had better get the positions she wants *during* the war. Ribbentrop's assurances, (*1877–PS*) that Japan likewise had nothing to fear from the Soviet Union if Japan entered the conflict, and his continual references to the weakness of the United States scattered throughout his conversations, were other means used to hurry along the Japanese.

The success of the Nazi methods is shown in a top secret report, dated 24 May 1941, from the German Military Attache in Tokyo to the Intelligence Division of the OKW. The last sentence in paragraph 1, states:

> "The preparations for attack on Singapore and Manila stand." (*1538–PS*)

The fact appears from this sentence that the German military were keeping in close touch with the Japanese operational plans against Singapore, which the Nazi conspirators had fostered.

(2) *Exhortations to Japanese Aggression Against the U.S.S.R.* The Nazi conspirators also directed their efforts to induce a Japanese "stab in the back" against the Union of Soviet Socialist Republics. Here again Ribbentrop appears as a central figure.

For some months prior to the issuance of Basic Order No. 24 regarding collaboration with Japan (*C–75*), the Nazi conspirators had been preparing *"Fall Barbarossa"*, the plan for attack on the U.S.S.R. Basic Order No. 24 decreed, however, that the Japanese "must not be given any intimation of the Barbarossa operation". (*C–75*)

In his conference with the Japanese Foreign Minister Matsuoka on 29 March 1941, almost 3 weeks after the issuance of Basic Order No. 24, Ribbentrop nevertheless hinted at things to come. Ribbentrop assured Matsuoka that the largest part of the German Army was on the Eastern frontiers of the Reich fully prepared to open the attack at any time. Ribbentrop then added that, although he believed that the U.S.S.R. would try to avoid developments leading to war, nevertheless a conflict with the Soviet Union, even if not probable, would have to be considered possible. (*1877–PS*)

Whatever conclusions the Japanese Ambassador drew from these remarks in April 1941 can only be conjectured. Once the Nazis had unleashed their aggression against the U.S.S.R. in June of 1941, the tenor of Ribbentrop's remarks left no room for doubt. On 10 July 1941, Ribbentrop despatched a coded telegram to Ott, the German Ambassador in Tokyo (*2896–PS*). Pertinent passages in that telegram read as follows:

> "Please take this opportunity to thank the Japanese Ambassador in Moscow for conveying the cable report. It would be convenient if we could keep on receiving news from Russia this way. In summing up, I would like to say: I have

now, as in the past, full confidence in the Japanese Policy, and in the Japanese Foreign Minister, first of all because the present Japanese government would really act inexcusably toward the future of its nation if it would not take this unique opportunity to solve the Russian problem, as well as to secure for all time its expansion to the South and settle the Chinese matter. Since Russia, as reported by the Japanese Ambassador in Moscow, is in effect close to collapse, a report which coincides with our own observations as far as we are able to judge at the present war situation, it is simply impossible that Japan does not solve the matter of Vladivostok and the Siberian area as soon as her military preparations are completed."

* * * * * * *

"However, I ask you to employ all available means in further insisting upon Japan's entry into the war against Russia at the soonest possible date, as I have mentioned already in my note to Matsuoka. The sooner this entry is effected, the better it is. The natural objective still remains that we and Japan join hands on the Trans-Siberian railroad, before winter starts. After the collapse of Russia, however, the position of the Three Power Pact states in the world will be so gigantic, that the question of England's collapse or the total destruction of the English islands, respectively, will only be a matter of time. An America totally isolated from the rest of the world would then be faced with our taking possession of the remaining positions of the British Empire which are important for the Three Power Pact countries. I have the unshakable conviction that a carrying through of the new order as desired by us will be a matter of course, and there would be no insurmountable difficulties if the countries of the Three Power Pact stand close together and encounter every action of the Americans with the same weapons. I ask you to report in the near future as often as possible and in detail on the political situation there." (*2896–PS*)

Ott's reply to this telegram (*2897–PS*), dated 13 July 1941, was as follows:

"Telegram
(Secret Cipher System)

"Tokyo 14 July 1941 0230 hrs.
Arrived 14 July 1941 1120 hrs.

As fast as possible!

"#1217 dated 13.7
for Minister for Foreign Affairs.

> Answer to telegram 10, #108 Reichsminister for Foreign Affairs
>
> Arrived Tokio 12 July 1941
>
> "I am trying with all means to work toward Japan's entry into the war against Russia as soon as possible. Especially using arguments of personal message of Foreign Minister and telegram cited above, to convince Matsuoka personally, as well as the Foreign Office, Military elements, Nationalists and friendly business men. I believe that, according to military preparations, Japanese participation will soon take place. The greatest obstacles against which one has to fight thereby is the disunity among Activist groups which, without unified command, follows various aims and only slowly adjusts itself to the changed situation.
>
> Ott." (*2897-PS*)

On subsequent occasions Ribbentrop repeated his exhortations to induce the Japanese to aggression against the U.S.S.R. Three documents, covering July of 1942 and March and April of 1943, record these exhortations.

The first discussion occurred between Ribbentrop and Oshima, Japanese Ambassador to Berlin, on 9 July 1942. As a matter of background, it may be noted that at that time German armies were sweeping forward in the U.S.S.R. and the fall of Sevastapol had just been announced. The discussion proceeded as follows:

> *"Notes concerning the discussion between the Minister for Foreign Affairs and Ambassador Oshima at Steinort, on 9 July 1942.*
>
> "He, the German Foreign Minister, had asked to see the Ambassador at this time when the situation was as described, because now a question of fateful importance had arisen concerning the joint conduct of the war: if Japan felt itself sufficiently strong militarily, the moment for Japan to attack Russia was probably now. He thought it possible that, if Japan attacked Russia now, it would lead to her (Russia's) final moral collapse; at least it would hasten the collapse of her present system. In any case, never again would Japan have such an opportunity as existed at present, to eliminate once and for all the Russian colossus in Eastern Asia. He had discussed this question with the Fuehrer, and the Fuehrer was of the same opinion, but he wanted to emphasize one point right away: Japan should attack Russia only if she felt sufficiently strong for such an undertaking. Under no circumstances should Japanese operations against Russia be allowed to bog down at the halfway mark, and we

> do not want to urge Japan into an action that is not mutually profitable." (*2911-PS*)

Ribbentrop and Ambassador Oshima had another conference on 6 March 1943. It is noted, again for background, that the strategic military situation in the broad expanses of the U.S.S.R. had changed somewhat. In the previous month, February 1943, the Soviet Armies had completely defeated the German forces at Stalingrad and inflicted severe losses. To the north and west their winter offensive had recovered large areas from the hands of the invaders. In addition, combined U. S. and British forces had already landed in North Africa. The tone of Ribbentrop's argument reflects the changed military situation. The familiar Japanese refrain of "so sorry please" likewise appears to have crept in. It is noted, in this regard, that the month of February 1943 had also seen the end of organized Japanese resistance on the island of Guadalcanal. The conference went as follows:

> "Ambassador Oshima declared that he had received a telegram from Tokyo, and he is to report by order of his government to the Reich Minister for Foreign Affairs (RAM) the following: The suggestion of the German Government, to attack Russia, was the subject of a common conference between the Japanese Government and the Imperial headquarters, during which the question was discussed in detail and investigated exactly. The result is the following: the Japanese Government absolutely recognizes the danger which threatens from Russia, and completely understands the desire of its German ally that Japan on her part will also enter the war against Russia. However, it is not possible for the Japanese Government, considering the present war situation, to enter into the war. It is rather of the conviction that it would be in the common interest not to start the war against Russia now. On the other hand, the Japanese Government would never disregard the Russian question.
>
> "The Japanese Government has the intention to become aggressive again in the future on other fronts.
>
> "The RAM brought up the question, after the explanation by the Ambassador, of how the continued waging of the war is envisaged in Tokyo. At present, Germany wages the war against the common enemies, England and America, mostly alone, while Japan mostly behaves more defensively. However, it would be more correct that all powers allied in the Three Power Pact would combine their forces to defeat England and America, but also Russia together. It is not good when one part must fight alone. One cannot overstrain the

> German national strength. He has worried silently that certain forces work in Tokyo, who are of the opinion and who propagate it, that Germany would come through the fight victoriously, and that therefore Japan should consolidate itself further at first, before it makes further and utmost efforts."

* * * * * * *

> "Then the RAM again brought up the question of the attack on Russia by Japan, and he declared that after all, the fight on the Burma front as well as in the South is actually more of a maritime problem, and on all fronts—except those in China—there are mostly very few ground forces committed. Therefore the attack on Russia is primarily an army affair, and he asked himself whether the necessary forces would not be ready for that". (*2954–PS*)

Ribbentrop kept on trying. He held another conference with Oshima about three weeks later, on 18 April 1943. The top secret notes of this conference reveal the following:

> "The Reichminister for Foreign Affairs then stressed again that without any doubt this year presented the most favorable opportunity for Japan, if she felt strong enough and had sufficient anti-tank weapons at her disposal, to attack Russia, which certainly would never again be as weak as she is at the moment." (*2929–PS*)

(3) *Nazi Preparations and Collaboration with the Japanese Against the United States.* The Nazi preparations and collaboration with the Japanese against the United States present a twofold aspect: one of preparations by the Nazis themselves for attack from across the Atlantic; the other of the fomenting of war in the Pacific.

In the previous discussion of the Nazi exhortations to the Japanese to war against the British Commonwealth and the U.S.S.R., reference has been made to certain documents relating to the United States. Those documents will be taken up again, in their relevant passages, to show their particular application. In the treatment of Ribbentrop's urging the Japanese to war against the U.S.S.R., documents have been introduced chronicling conferences which took place after the dates of 7 December and 11 December 1941 when the Japanese and German Governments, respectively, initiated and declared aggressive war against the United States. These documents have indicated that Nazi awareness and acceptance of the direction in which their actions were leading, as well as the universal aspects of their conspiracy and of their alliance with the Japanese.

(*a*) *Preliminary Nazi Preparations Against the United States.* The Nazi conspirators' intentions against the United States must be viewed in the focus of both their over-all plan and their immediate commitments elsewhere. That their over-all plan involved ultimate aggressive war against the United States was intimated by Goering in a speech on 8 July 1938, when the Nazi conspirators had already forcibly annexed Austria and were perfecting their plans for occupation of Czechoslovakia. This speech was delivered to representatives of the aircraft industry and the copy which the prosecution has obtained was transmitted as the enclosure to a secret memorandum from Goering's adjutant to General Udet, who was then in charge of experimental research for the Luftwaffe (*R–140*). The statement in the covering memorandum notes that the enclosure is a "copy of the shorthand minutes of the conference". In the course of his long speech, Goering called for increased aircraft production and referred to the necessity for full mobilization of German industrial capacity. He continued:

> "I still am missing entirely the bomber which flies with 5 tons of explosives as far as New York and back. I should be extremely happy to have such a bomber so that I would at last be able to stop somewhat the mouth of the arrogant people over there." (*R–140*)

Goering's fervent hope, of course, was not capable of realization at that time, either technically or in the face of the Nazi conspirators' schedule of aggression that has already been outlined. During the period of their preparation for and waging of aggressive war in Europe, up through the launching of the campaign against the U.S.S.R., it is only reasonable to believe that the Nazi conspirators were not disposed to involve the United States in war—*at that time.*

Nevertheless, even in the fall of 1940, the prosecution of war against the United States of America at a later date was on the military agenda. This is clearly shown in a document which was found in the files of the OKL, the German Air Force (*376–PS*). This memorandum is marked *"Chefsache"*—the German designation for Top Secret—and is directed from a Major von Falkenstein to an unspecified General, presumably a Luftwaffe General. Falkenstein, who was a Major of the General Staff, was at that time the Luftwaffe Liaison Officer with the Operations Staff of the OKW, which was the staff headed by Jodl. His memorandum, which he characterizes as a "brief resumé of the military questions current here", is dated 29 October 1940. It covers several questions. Paragraph 5 states:

> "5. The Fuehrer is at present occupied with the question of the occupation of the Atlantic Islands with a view to the prosecution of war against America at a later date. Deliberations on this subject are being embarked upon here. Essential conditions are at the present:—
>
> "a. No operational commitment
> "b. Portuguese neutrality
> "c. Support of France and Spain
>
> "A brief assessment of the possibility of seizing and holding air bases and of the question of supply is needed from the GAF.
>
> "Major Queisner will fetch the documents for himself from Ic Kurfurst (C. in C. GAF Rear Hq.). I would like to ask Colonel Schmidt to arrange that he be supplied with the information he desires." (*376–PS*)

The Nazi Military interest in the United States is further indicated by paragraph 7:

> "7. General von Boetticher has made repeated reference, especially in his telegram 2314 dated 26/10, to the fact that in his opinion too many details of our knowledge of American aircraft industry are being published in the German press. The matter has been discussed at Armed Forces Supreme Command. I pointed out that the matter was a specifically GAF one, but have taken the liberty of referring the matter to you on its own merits." (*376–PS*)

Again in July 1941, in his first flush of confidence resulting from early gains in the aggression against the U.S.S.R., the Fuehrer signed an order for further preliminary preparations for the attack on the United States. This top secret order, found in files of the German Navy, reads:

> "By virtue of the intentions announced in Directive No. 32, for the further conduct of the War, I lay down the following principles to govern the strength of personnel and of material supplies:
>
> "1. *In general:* The military domination of Europe after the defeat of Russia will enable the strength of the *Army* to be considerably reduced in the near future. As far as the reduced strength of the Army will allow, the Armoured units will be greatly increased.
>
> "*Naval* armament must be restricted to those measures which have a direct connection with the conduct of the war against England and, should the case arise, against America.

> "The main effort in armament will be shifted to the *Air Force,* which must be greatly increased in strength." (*C–74*)

(b) Collaboration with the Japanese Against the United States. From the documents just quoted, it appears that the Nazi conspirators were making at least preliminary military plans of their own against the United States. The Nazi over-all plan with regard to the United States, however, was a complex one, involving in addition collaboration with the Japanese. In the course of their repeated representations to the Japanese to undertake an assault against British possessions in the Pacific-Far East, they again considered war against the United States.

It will be recalled that in Basic Order No. 24 regarding collaboration with the Japanese (*C–75*), which was issued on 5 March 1941, the Nazi policy was stated in subparagraph 3*a* as aiming at "forcing England to the ground quickly and thereby keeping the United States out of the war". Nevertheless the Nazi conspirators clearly contemplated within the framework of that policy the possibility of the United States' entry into the Far Eastern conflict which the Nazis were instigating. This could result from an attack by Japan on United States' possessions practically simultaneously with the assault on the British Empire (as actually happened). Other possibilities of involvement of the United States were also discussed. Thus, Basic Order No. 24 stated in subparagraph 3 (*c*):

> "*c.* The *raw material situation* of the *pact powers* demands that Japan should acquire possession of those territories which it needs for the continuation of the war, especially if the United States intervenes. Rubber shipments must be carried out even after the entry of Japan into the war, since they are of vital importance to Germany." (*C–75*)

The order continues, in the unnumbered paragraph immediately below subparagraph 3 (*d*):

> "In addition, attacks on other systems of bases of British naval power—extending to those of American naval power only if the entry of the United States into the war cannot be prevented—will result in weakening the enemy's system of power in that region and also, just like the attack on sea communications, in tying down substantial forces of all kinds (Australia)." (*C–75*)

In these passages there is a clear envisionment of U.S. involvement, as well as a clear intent to attack. The vital threat to United States' interests if Japan were to capture Singapore was also clearly envisaged by Raeder in his meeting of March 1941 with Hitler, Keitel, and Jodl, in which he stated:

> "Japan must take steps to seize Singapore as soon as possible, since the opportunity will never again be as favourable (whole English Fleet contained: unpreparedness of U.S.A. for war against Japan: inferiority of U.S. Fleet vis-a-vis the Japanese). Japan is indeed making preparations for this action, but according to all declarations made by Japanese officers she will only carry it out if Germany proceeds to land in England. Germany must therefore concentrate all her efforts on spurring Japan to act immediately. If Japan has Singapore all other East Asiatic questions regarding the U.S.A. and England are thereby solved (Guam, Philippines, Borneo, Dutch East Indies).
>
> "Japan wishes if possible to avoid war against U.S.A. She can do so if she determinedly takes Singapore as soon as possible." (*C–152*)

Ribbentrop also recognized the possibility of U.S. involvement as a result of the course of aggression that he was urging on the Japanese. In his meeting of 23 February 1941 with the Japanese Ambassador Oshima, the notes of which are contained in (*1834–PS)*, Ribbentrop assured Matsuoka that a surprise intervention by Japan was bound to keep the United States out of the war since she was unarmed and could not risk either her fleet or the possibility of losing the Philippines as the result of a declaration of war. Two paragraphs later, Ribbentrop practically dropped the pretense that the United States would not be involved:

> "The Reich Foreign Minister mentioned further that, if America should declare war because of Japan's entry into the war, this would mean that America had had the intention to enter the war sooner or later anyway. Even though it would be preferable to avoid this, the entry into the war would, as explained above, be by no means decisive and would not endanger the final victory of the countries of the Three-Power Pact. The Foreign Minister further expressed his belief that a temporary lift of the British morale caused by America's entry into the war would be cancelled by Japan's entry into the war. If, however, contrary to all expectations, the Americans should be careless enough to send their Navy, in spite of all, beyond Hawaii and to the Far East, this would represent the biggest chance for the countries of the Three-Power Pact to bring the war rapidly to an end. He, the Foreign Minister, is convinced that the Japanese fleet would then do a complete job. Ambassador Oshima replied to this that unfortunately he does not think the Americans would

> do it, but he is convinced of a victory of his fleet in Japanese waters." (*1834-PS*)

In the paragraphs that follow, Ribbentrop again stresses the mutual interdependence of the Tripartite Pact powers and suggests coordinated action. He indulged in a typical bit of Nazi cynicism:

> "The Reich Foreign Minister then touched upon the question, explicitly pointed out as theoretical, that the contracting powers might be required, on the basis of new affronts by the U.S.A., to break off diplomatic relations. Germany and Italy were fundamentally determined on this; after signing of the Three-Power Pact we should proceed if the occasion arises, but also jointly in this matter. Such a lesson should open the eyes of the people in the U.S.A. to the situation and under certain conditions bring about a swing toward isolation in public opinion. Naturally a situation had to be chosen in which America found herself entirely in the wrong. The common step of the signatory powers should be exploited correspondingly in propaganda. The question, however, was in no way acute at the time." (*1834-PS*)

Again on 29 March 1941, Ribbentrop—this time in a conference with the Japanese Foreign Minister Matsuoka—discussed the possible involvement of the United States. (*1877-PS*)

The Nazi conspirators knew that the aggressive war they were urging the Japanese to undertake both threatened the vital interests of the United States and could lead the U.S. to involvement in the contemplated Far Eastern conflict. This fact is clear from the report of the conference between Hitler and the Japanese Foreign Minister Matsuoka in Berlin on 4 April 1941 (*1881-PS*). The report states, in part:

> "* * * Matsuoka then also expressed the request that the Fuehrer should instruct the proper authorities in Germany to meet as broad-mindedly as possible the wishes of the Japanese Military Commission. Japan was in need of German help particularly concerning the U-boat warfare, which could be given by making available to them the latest experiences of the war as well as the latest technical improvements and inventions. Japan would do her utmost to avoid a war with the United States. In case that the country should decide to attack Singapore, the Japanese Navy, of course, had to be prepared for a fight with the United States, because in that case America probably would side with Great Britain. He (Matsuoka) personally believed that the United States would be restrained by diplomatic exertions from entering

> the war at the side of Great Britain. The Army and Navy had, however, to count on the worst situation, that is, with war against America. They were of the opinion that such a war would extend for five years or longer and would take the form of guerrilla warfare in the Pacific and would be fought out in the South Sea. For this reason the German experiences in her guerrilla warfare are of the greatest value to Japan. It was a question how such a war would best be conducted and how all the technical improvements of submarines, in all details such as periscopes and such like, could best be exploited by Japan.
>
> "To sum up, Matsuoka requested that the Fuehrer should see to it that the proper German authorities would place at the disposal of the Japanese those developments and inventions concerning Navy and Army, which were needed by the Japanese.
>
> "The Fuehrer promised this and pointed out that Germany too considered a conflict with the United States undesirable, but that it had already made allowances for such a contingency."
>
> * * * * * * *
>
> "Matsuoka once more repeated his request that the Fuehrer might give the necessary instructions, in order that the proper German authorities would place at the disposal of the Japanese the latest improvement and inventions, which are of interest to them, because the Japanese Navy had to prepare immediately for a conflict with the United States.
>
> "As regards Japanese-American relationship, Matsuoka explained further that he has always declared in his country that sooner or later a war with the United States would be unavoidable, if Japan continued to drift along as at present. In his opinion this conflict would happen rather sooner than later. His argumentation went on, why should Japan, therefore, not decisively strike at the right moment and take the risk upon herself of a fight against America?" (*1881–PS*)

The passages just quoted show not only a realization of the probable involvement of the United States in the Far Eastern conflict that the Nazis were urging, but also a knowledge on their part that the Japanese Army and Navy were actually preparing war plans against the United States. Furthermore, the Nazis knew at least a part of what those war plans were. This fact is revealed in a secret telegram from the German military attaché in Tokyo, dated 24 May 1941 (*1538–PS*). The attaché reports the conferences he has had regarding Japan's entry in the war in the event Germany should become involved in war with the United States. In paragraph 1, this sentence appears:

> "Preparations for attack on Singapore and Manila stand." (*1538–PS*).

A review of the Nazi position with regard to the United States at this point, the Spring of 1941, shows that in view of their press of commitments elsewhere and their aggressive plans against the U.S.S.R., set for execution in June of 1941, their temporary strategy was naturally a preference that the United States not be involved in war at that time. Nevertheless they had been considering their own preliminary plans against the United States, as seen in the Atlantic Islands document (*376–PS*). They were repeatedly urging the Japanese to aggression against the British Commonwealth, just as they would urge them to attack the U.S.S.R. soon after the launching of the Nazi invasion. They were aware that the course along which they were pushing the Japanese in the Far East would probably lead to involvement of the United States. Indeed, the Japanese Foreign Minister had told Hitler this in so many words, and their own military men had fully realized the implications of the move against Singapore. They knew also that the Japanese Army and Navy were preparing operational plans against the United States. They knew at least part of those plans.

The Nazi conspirators not only knew all these things. They accepted the risk of the aggressive course they were urging on the Japanese and pushed their Eastern allies still farther along that course. On 4 April 1941, Hitler told the Japanese Foreign Minister that in the event Japan were to become involved in war with the United States, Germany would immediately take the consequences and strike without delay. The following is a passage from the notes of the Hitler-Matsuoka conference in Berlin on 4 April 1941:

> "In the further course of the discussion the Fuehrer pointed out that Germany on her part would immediately take the consequences, if Japan would get involved with the United States. It did not matter with whom the United States would first get involved, if with Germany or with Japan. They would always try to eliminate one country at a time, not to come to an understanding with the other country subsequently, but to liquidate this one just the same. Therefore Germany would strike, as already mentioned, without delay in case of a conflict between Japan and America, because the strength of the tripartite powers lies in their

> joined action. Their weakness would be if they would let themselves be beaten individually." (*1881–PS*)

Hitler then encouraged Matsuoka in his decision to strike against the United States:

> "The Fuehrer replied that he could well understand the situation of Matsuoka, because he himself was in similar situations (the clearing of the Rhineland, declaration of sovereignty of armed Forces). He too was of the opinion that he had to exploit favorable conditions and accept the risk of an anyhow unavoidable fight at a time when he himself was still young and full of vigor. How right he was in his attitude was proven by events. Europe now was free. He would not hesitate a moment to instantly reply to any widening of the war, be it by Russia, be it by America. Providence favored those who will not let dangers come to them, but who will bravely face them." (*1881–PS*)

Here, in the passages just quoted, were assurance, encouragement, and abetment by the head of the German State, the leading Nazi co-conspirator, in April 1941. But the Nazi encouragement and promise of support did not end there. Another telegram from the German Ambassador in Tokyo regarding conversations with the Japanese Foreign Minister, dated 30 November 1941, one week before Pearl Harbor, read as follows:

> "The progress of the negotiations so far confirms his viewpoint that the difference of opinion between Japan and the U. S. is very great. The Japanese Government since it sent Ambassador Kurusu has taken a firm stand, as he told me. He is convinced that this position is in our favor and makes the United States think that her entry into the European war would be risky business. The new American proposal of 25 November showed great divergences in the viewpoints of the two nations. These differences of opinion concern, for example, the further treatment of the Chinese question. The biggest (one word missing) however resulted from the U. S. attempt to make the three-power agreement ineffective. U. S. suggested to Japan to conclude treaties of non-aggression with the U. S., the British Empire, the Soviet Union, and other countries in order to prevent Japan's entry into the war on the side of the Axis powers. Japan, however, insisted upon maintaining her treaty obligations and for this reason American demands are the greatest obstacles for adjusting Japanese-American relations. He avoided discussing concessions promised by the U. S. and merely mentioned that grave decisions were at stake.

> "The U. S. is seriously preparing for war and is about to operate a considerable part of its fleet from Southern Pacific bases. The Japanese Government is busy working out an answer in order to clarify its viewpoint. But he has no particulars at that moment. He thinks the American proposals, as a whole, unacceptable.
>
> "Japan is not afraid of a breakdown of negotiations and she hopes that in that case Germany and Italy, according to the Three Power Agreement, would stand at her side. I answered that there could be no doubt about Germany's future position. The Japanese Foreign Minister thereupon stated that he understood from my words that Germany in such a case would consider her relationship to Japan as that of a community of fate. I answered, according to my opinion, Germany was certainly ready to have mutual agreement between the two countries over this situation.
>
> "Minister of Foreign Affairs answered that it was possible that he would come back to this point soon. The conversation with the Minister of Foreign Affairs confirmed the impression that the U. S. note, in fact, is very unsatisfactory even for the compromise-seeking politicians here. For these circles America's position, especially in the China question, is very disappointing. The emphasis upon the Three Power Pact as being the main obstacle between successful Japanese-U. S. negotiations seems to point to the fact that the Japanese Government is becoming aware of the necessity of close cooperation with the Axis powers." (*2898–PS*)

Extracts from the handwritten diary of Count Galleazzo Ciano during the period 3 December to 8 December 1941 fill in the picture (*2987–PS*). These are taken from notes which Ciano jotted down in the course of his daily business as Foreign Minister of Italy. The entries for 3, 4, and 5 December read:

> *"December 3.*
> *Wednesday*
>
> "Sensational move by Japan. The Ambassador asks for an audience with the Duce and reads him a long statement on the progress of the negotiations with America, concluding with the assertion that they have reached a dead end. Then, invoking the appropriate clause in the Tripartite Pact, he asks that Italy declare war on America immediately after the outbreak of hostilities and proposes the signature of an agreement not to conclude a separate peace. The interpreter translating this request was trembling like a leaf. The Duce gave fullest assurances, reserving the right to confer with

Berlin before giving a reply. The Duce was pleased with the communication and said: "We are now on the brink of the inter-continental war which I predicted as early as September 1939." What does this new event mean? In any case, it means that Roosevelt has succeeded in his maneuver. Since he could not enter into the war immediately and directly, he has entered it indirectly by letting himself be attacked by Japan. Furthermore, this event also means that every prospect of peace is becoming further and further removed, and that it is now easy—much too easy—to predict a long war. Who will be able to hold out longest? It is on this basis that the problem must be considered. Berlin's answer will be somewhat delayed, because Hitler has gone to the southern front to see General Kleist, whose armies continue to give way under the pressure of an unexpected Soviet offensive.

"December 4.
Thursday

"Berlin's reaction to the Japanese move is extremely cautious. Perhaps they will accept because they cannot get out of it, but the idea of provoking America's intervention pleases the Germans less and less. Mussolini, on the other hand, is pleased about it. * * * "

"December 5.
Friday

"A night interrupted by Ribbentrop's restlessness. After delaying two days, now he cannot wait a minute to answer the Japanese and at three in the morning he sent Mackenson to my house to submit a plan for a triple agreement relative to Japanese intervention and the pledge not to make a separate peace. He wanted me to awaken the Duce, but I did not do so, and the latter was very glad I hadn't * * *." (*2987–PS*)

It appears from the last entry that some sort of agreement was reached. On Sunday, 7 December 1941, Japan without previous warning or declaration of war commenced an attack against the United States at Pearl Harbor and against the British Commonwealth of Nations in the Southwest Pacific. On the morning of 11 December, four days after the Japanese assault in the Pacific, the German Government declared war on the United States. (*2507–PS*)

The same day, 11 December 1941, the Congress of the United States resolved that "the state of war between the United States and the Government of Germany which has thus been thrust upon the United States is hereby formally declared". (*2945–PS*)

It thus appears that, apart from their own aggressive intentions and declaration of war against the United States, the Nazi conspirators in their collaboration with Japan incited and kept in motion a force reasonably calculated to result in an attack on the United States. While maintaining their preference that the United States not be involved in the war at the time, they nevertheless foresaw the distinct possibility, even probability of such involvement as a result of the actions they were encouraging; they were aware that the Japanese had prepared plans for attack against the United States; and they accepted the consequences by assuring the Japanese that they would declare war on the United States should a U.S.-Japanese conflict result. In dealing with captured documents of the enemy, the completeness of the plan is necessarily obscured. But those documents which have been discovered, and introduced into evidence before the Tribunal, show that the Japanese attack was the proximate and foreseeable consequence of their collaboration policy, and that their exhortations and encouragement of the Japanese as surely led to Pearl Harbor as though Pearl Harbor itself had been mentioned.

The entry in the Ciano Diary for 8 December 1941 gives an interesting sidelight on Ribbentrop's reaction to the Japanese sneak attack:

> "*December 8.*
> *Monday.*
>
> "A night telephone call from Ribbentrop; he is overjoyed about the Japanese attack on America. He is so happy about it that I am happy with him, though I am not too sure about the final advantages of what has happened. One thing is now certain: that America will enter the conflict, and that the conflict will be so long that she will be able to realize all her potential force. This morning I told this to the King who had been pleased about the event. He ended by admitting that in the "long run" I may be right. Mussolini was happy too. For a long time he has favored a definite clarification of relations between America and the Axis." (*2987–PS*)

A conference was held between Hitler and Japanese Ambassador Oshima on 14 December 1941, from 1300 to 1400 hours, in the presence of the Reich Foreign Minister, Ribbentrop. The subject matter was the Pearl Harbor attack. The top secret notes of this conference read in part:

> "* * * First the Fuehrer presents Ambassador Oshima with the Grand Cross of the Order of Merit of the German Eagle in gold. With cordial words he acknowledges his serv-

ices in the achievement of German-Japanese cooperation, which has now obtained its culmination in a close brotherhood of arms.

"General Oshima expresses his thanks for the great honor and emphasizes how glad he is that this brotherhood of arms has now come about between Germany and Japan.

"The Fuehrer continues: "You gave the right declaration of war!" This method is the only proper one. Japan pursued it formerly and it corresponds with his own system, that is, to negotiate as long as possible. But if one sees that the other is interested only in putting one off, in shaming and humiliating one, and is not willing to come to an agreement, then one should strike—as hard as possible, indeed—and not waste time declaring war. It was heartwarming to him to hear of the first operations of the Japanese. He himself negotiated with infinite patience at times, for example, with Poland and also with Russia. When he then realized, that the other did not want to come to an agreement, he struck suddenly and without formalities. He would continue to go this way in the future." (*2932–PS*)

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO COLLABORATION WITH ITALY AND JAPAN AND AGGRESSIVE WAR AGAINST THE UNITED STATES: NOVEMBER 1936 TO DECEMBER 1941

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	Charter of the International Military Tribunal, Article 6 (a).....	I	5
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	number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*376-PS	Top secret memorandum signed by Major Falkenstein, 29 October 1940, concerning current military questions, including question of occupation of Atlantic Islands referring to the United States. (USA 161)	III	288
*1538-PS	Report from German Military Attache in Tokyo to Office Foreign Intelligence, 24 May 1941. (USA 154)	IV	100
*1834-PS	Report on conference between Ribbentrop and Oshima, 23 February 1941. (USA 129)	IV	469
*1866-PS	Record of conversation between Reich Foreign Minister and the Duce, 13 May 1941. (GB 273)	IV	499
*1877-PS	Report on conversation between Ribbentrop and Matsuoka in Berlin, 29 March 1941. (USA 152)	IV	520
*1881-PS	Notes on conference between Hitler and Matsuoka in presence of Ribbentrop, in Berlin, 4 April 1941. (USA 33)	IV	522
*1882-PS	Notes on conference between Ribbentrop and Matsuoka in Berlin, 5 April 1941. (USA 153)	IV	526

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*2195–PS	File memorandum on conversation with Oshima, 31 January 1939, signed Himmler. (USA 150)......	IV	852
2506–PS	Protocol of Adherence by Italy to Anti-Comintern Pact, 6 November 1937, published in Documents of German Politics, 1940, 4th edition...........................	V	239
*2507–PS	Note from Ribbentrop to U. S. Charge d'Affaires in Berlin, 11 December 1941, containing German Declaration of War on United States, published in Documents of German Politics, Vol. IX, Part 1, No. 74, pp. 497–9. (USA 164).....	V	241
*2508–PS	German-Japanese Agreement against the Communist International, 25 November 1936, signed by Ribbentrop. Documents of German Politics, Vol. 4. (GB 147).	V	242
*2643–PS	Announcement concerning Three-Power Pact between Germany, Italy and Japan, 27 September 1940, signed by Ribbentrop for Germany. 1940 Reichsgesetzblatt, Part II, No. 41, p. 279. (USA 149).	V	355
*2896–PS	Telegram from Ribbentrop to German Ambassador in Tokyo, Ott, 10 July 1941. (USA 155).........	V	564
*2897–PS	Telegram from German Ambassador in Tokyo, Ott, to Ribbentrop, 13 July 1941. (USA 156).........	V	566
*2898–PS	Telegram from German Ambassador to Tokyo, Ott, to Ribbentrop, 30 November 1941. (USA 163)....	V	566
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2944–PS	Statement by U. S. Secretary of State, 27 September 1940, published in Peace and War, U. S. Foreign Policy, 1931–1941.........	V	624
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*C–74	Top Secret Order concerning personnel and materiel program, signed by Hitler, 14 July 1941. (USA 162)	VI	905
*C–75	OKW Order No. 24 initialled Jodl, signed Keitel, 5 March 1941, concerning collaboration with Japan. (USA 151)	VI	906
C–147	Extracts from Directive No. 18, signed by Hitler, 12 November 1940	VI	957
*C–152	Extract from Naval War Staff files, 18 March 1941, concerning audience of C-in-C of Navy with Hitler on 18 March 1941. (GB 122)	VI	966
*D–656	Extract of 29 November 1941 from Intercepted Diplomatic Messages sent by Japanese Government between 1 July and 8 December 1941. (GB 148)	VII	160
*D–657	Extract of 8 December 1941 from Intercepted Diplomatic Messages sent by Japanese Government between 1 July and 8 December 1941. (GB 149)	VII	163
*R–140	Secret letter from Goering's adjutant, Major Conrath, 11 July 1938, enclosing transcript of Goering's speech of 8 July to representatives of aircraft industry. (USA 160)	VIII	221

Chapter X

THE SLAVE LABOR PROGRAM, THE ILLEGAL USE OF PRISONERS OF WAR, AND THE SPECIAL RESPONSIBILITY OF SAUCKEL AND SPEER THEREFOR

In general terms, the basic elements of the Nazi foreign labor policy consisted of mass deportation and mass enslavement. It was a policy of underfeeding and overworking foreign laborers, of subjecting them to every form of degradation and brutality. It was a policy which compelled foreign workers and prisoners of war to manufacture armaments and to engage in other operations of war directed against their own countries. It was, in short, a policy which constituted a flagrant violation of the laws of war and the laws of humanity.

Fritz Sauckel and Albert Speer are principally responsible for the formulation of this policy and for its execution. Sauckel, the Nazi's Plenipotentiary General for Manpower, directed the recruitment, deportation, and allocation of foreign civilian labor. Sanctioning and directing the use of force as a means of recruitment, he was responsible for the mistreatment of the enslaved millions. Speer—as Reichsminister for Armaments and Munitions, Director of the Organization Todt, and member of the Central Planning Board—bears responsibility for the determination of the numbers of foreign slaves required by the German war machine, for the decision to recruit by force, and for the use and brutal treatment of foreign civilians and prisoners of war in the manufacture of armaments and munitions, in the construction of fortifications, and in active military operations.

Hermann Goering, as Plenipotentiary General for the Four Year Plan, is also responsible for all the crimes involved in the Nazi slave labor program. In addition, Alfred Rosenberg as Reichsminister for the Occupied Eastern Territories, Hans Frank as Governor General of the Government-General of Poland, Artur Seyss-Inquart as Reichskommissar for the Occupied Netherlands, and Wilhelm Keitel as chief of the OKW share responsibility for the recruitment by force and terror and for the deportation to Germany of the citizens of the areas overrun or subjugated by the *Wehrmacht*.

1. PLANNING FOR THE USE OF SLAVE LABOR

The use of vast numbers of foreign workers was planned before Germany went to war and was an integral part of the conspiracy for waging aggressive war. On 23 May 1939 a meeting was held in Hitler's study at the Reichs Chancellery. Goering, Raeder, and Keitel were present. According to the minutes of this meeting, (*L–79*) Hitler stated that he intended to attack Poland at the first suitable opportunity. He further stated:

> "* * * If fate brings us into contact with the West, the possession of extensive areas in the East will be advantageous. We shall be able to rely upon record harvests, even less in time of war than in peace.
>
> "The population of non-German areas will perform no military service, and will be available as a source of labor". (*L–79*)

The slave labor program was designed to achieve two purposes. The primary purpose was to satisfy the labor requirements of the Nazi war machine by compelling foreign workers, in effect, to make war against their own countries and its allies. The secondary purpose was to destroy or weaken peoples deemed inferior by the Nazi racialists, or deemed potentially hostile by the Nazi planners of world supremacy. These purposes were expressed by the conspirators themselves. In Sauckel's Labor Mobilization Program (*016–PS*) which he sent to Rosenberg on 20 April 1942, Sauckel declared:

> "* * * The aim of this new, gigantic labor mobilization is to use all the rich and tremendous sources, conquered and secured for us by our fighting Armed Forces under the leadership of Adolf Hitler, for the armament of the Armed Forces and also for the nutrition of the Homeland. The raw materials as well as the fertility of the conquered territories and their human labor power are to be used completely and conscientiously to the profit of Germany and their allies." (*016–PS*)

The theory of the "master race," which underlay the conspirators' labor policy in the East, was expressed in the following words by Erich Koch, Reichskommissar for the Ukraine, at a meeting of the National Socialist Party on 5 March 1943 in Kiev:

> "1. We are the master race and must govern hard but just * * *.
>
> "2. I will draw the very last out of this country. I did not come to spread bliss. I have come to help the Fuehrer. The population must work, work, and work again * * * for some people are getting excited, that the population may not get enough to eat. The population cannot demand that, one has only to remember what our heroes were deprived of in Stalingrad * * * We definitely did not come here to give out manna. We have come here to create the basis for victory.

> "3. We are a master race, which must remember that the lowliest German worker is racially and biologically a thousand times more valuable than the population here". (*1130–PS*)

And in a speech delivered to a group of SS Generals on 4 October 1943 at Posen, Himmler stated:

> "* * * What happens to a Russian, to a Czech, does not interest me in the slightest. What the nations can offer in the way of good blood of our type, we will take, if necessary by kidnapping their children and raising them here with us. Whether nations live in prosperity or starve to death interests me only in so far as we need them as slaves for our *Kultur:* otherwise, it is of no interest to me. Whether 10,000 Russian females fall down from exhaustion while digging an anti-tank ditch interests me only in so far as the anti-tank ditch for Germany is finished * * *." (*1919–PS*)

A Top Secret memorandum prepared for the Ministry of the Occupied Eastern Territories on 12 June 1944, and approved by Rosenberg, contains the following plans:

> "The Army Group 'Center' has the intention to apprehend 40–50,000 youths at the ages of 10 to 14 who are in the Army territory and to transport them to the Reich * * *."
>
> "It is intended to allot these juveniles primarily to the German trades as apprentices to be used as skilled workers after 2 years' training. This is to be arranged through the Organization Todt which is especially equipped for such a task through its technical and other set-ups. This action is being greatly welcomed by the German trade since it represents a decisive measure for the alleviation of the shortage of apprentices."

* * * * * * *

> "1. This action is not only aimed at preventing a direct reinforcement of the enemy's military strength, but also at a reduction of his biological potentialities as viewed from the perspective of the future. These ideas have been voiced not only by the Reichsfuehrer of the SS but also by the Fuehrer. Corresponding orders were given during last year's withdrawals in the southern sector * * *." (*031–PS*)

Rosenberg's approval is at the end of the document:

> "regarding the above—Obergruppenfuehrer Berger received the memorandum on June 14. Consequently the Reichsminister has approved the Action." (*031–PS*)

2. EXECUTION OF THE SLAVE LABOR PROGRAM

The purposes of the slave labor program, namely, the strengthening of the Nazi war machine and the destruction or weakening of peoples deemed inferior, were achieved by the impressment and deportation of millions of persons into Germany for forced labor, by the separation of husbands from their wives and children from their parents, and by the imposition of conditions so inhuman that countless numbers perished.

A. *Poland.*

Poland was the first victim. Frank, as Governor of the Government-General of Poland, announced that under his program 1,000,000 workers were to be sent to Germany, and recommended that police surround Polish villages and seize the inhabitants for deportation. These intentions appear in the following letter from Frank to Goering, dated 25 January 1940 (*1375–PS*):

> "1. In view of the present requirements of the Reich for the defense industry, it is at present fundamentally impossible to carry on a long term economic policy in the General-Gouvernement. Rather, it is necessary so to steer the economy of the General Gouvernement that it will, in the shortest possible time, accomplish results representing the maximum that can be gotten out of the economic strength of the General-Gouvernement for the immediate strengthening of our capacity for defense.
>
> "2. In particular the following performances are expected of the total economy of the General-Gouvernement * * *"
>
> "(g) Supply and transportation of at least 1 million male and female agricultural and industrial workers to the Reich —among them at least 7,500,000 [sic] agricultural workers of which at least 50% must be women—in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich." (*1375–PS*)

The methods by which these workers were to be supplied were outlined by Frank in his diary entry for Friday, 10 May 1940 (*2233–A–PS*):

> "* * * Then the Governor General deals with the problem of the *Compulsory Labor Service* of the Poles. Upon the demands from the Reich it has now been decreed that compulsion may be exercised in view of the fact that sufficient manpower was not voluntarily available for service inside the German Reich. This compulsion means the possibility of ar-

> rest of male and female Poles. Because of these measures a certain disquietude had developed which, according to individual reports, was spreading very much, and which might produce difficulties everywhere. General Fieldmarshal Goering some time ago pointed out in his long speech the necessity to deport into the Reich a million workers. The supply so far was 160,000. However, great difficulties had to be overcome. Therefore it would be advisable to consult the district and town chiefs in the execution of the compulsion, so that one could be sure from the start that this action would be reasonably successful. The arrest of young Poles when leaving church service or the cinema would bring about an increasing nervousness of the Poles. Generally speaking, he had no objections at all if the rubbish, capable of work yet often loitering about, would be snatched from the streets. The best method for this, however, would be the organization of a raid, and it would be absolutely justifiable to stop a Pole in the street and to question him what he was doing, where he was working etc." (*2233-A-PS*)

Another entry in the diary of Frank, for 16 March 1940, contains the following discourse on methods:

> "* * * The Governor General remarks that he had long negotiations in Berlin with representatives of the Reich Ministry for Finance and the Reich Ministry for Food. One has made the urgent demand there that *Polish farm workers* should be sent to the Reich in greater numbers. He has made the statement in Berlin that he, if it is demanded from him, can naturally exercise force in such a manner that he has the police surround a village and get the men and women, in question, out by force, and then send them to Germany. But one can also work differently, besides these police measures, by retaining the unemployment compensation of those workers in question." (*2233-B-PS*)

The instruments of force and terror used to carry out this program reached into many phases of Polish life. German labor authorities raided churches and theatres, seized those present, and shipped them to Germany. These facts appear in a memorandum to Himmler dated 17 April 1943, written by Dr. Lammers, chief of the Reichs Chancellery, with regard to the situation in the Government General of Poland:

> "* * * As things were, the utilization of manpower had to be enforced by means of more or less forceful methods, such as the instances when certain groups appointed by the Labor Offices, caught Church and Movie-goers here and there

> and transported them into the Reich. That such methods not only undermine the people's willingness to work and the people's confidence to such a degree that it cannot be checked even with terror, is just as clear as the consequences brought about by a strengthening of the political resistance movement". (*2220–PS*)

Polish farm land was confiscated with the aid of the SS, distributed to German inhabitants, or held in trust for the German community. The farm owners were thereupon employed as laborers or transported to Germany against their will. A report of the SS entitled "Achievement of Confiscations of Polish Agricultural Enterprises with the Purpose to Transfer the Poles to the old Reich and to Employ Them as Agricultural Workers," contains these disclosures:

> "* * * It is possible without difficulty to accomplish the confiscation of small agricultural enterprises in the villages in which larger agricultural enterprises have been already confiscated and are under the management of the East German Corporation for agricultural development. * * * *The former owners of Polish farms, together with their families will be transferred to the old Reich by the employment agencies for employment as farm workers.* In this way many hundreds of Polish agricultural workers can be placed at the disposal of agriculture in the old Reich in the shortest and simplest manner. This way the most pressing shortage is removed that is now in a very disagreeable manner felt especially in the root-crop districts." (*1352–PS*)

Pursuant to the directions of Sauckel, his agents and the SS deported Polish men to Germany without their families, thereby accomplishing the basic purposes of the program: supplying labor for the German war effort and weakening the reproductive potential of the Polish people. Thus, in a letter from Sauckel to the Presidents of the "Landes" Employment Offices, dated 26 November 1942, it is stated that:

> "In agreement with the Chief of the Security Police and the SD, Jews who are still in employment are, from now on, to be evacuated from the territory of the Reich and are to be replaced by Poles, who are being deported from the General-Gouvernement."
>
> * * * * * * *
>
> "The Poles who are to be evacuated as a result of this measure will be put into concentration camps and put to work where they are criminal or asocial elements. The remaining

> Poles where they are suitable for labor, will be transported—without family—into the Reich, particularly to Berlin; there they will be put at the disposal of the labor allocation offices to work in armament factories instead of the Jews who are to be replaced." (*L–61*)

The Nazi campaign of force, terror, and abduction was described in a letter to Frank written by the Chairman of the Ukrainian Main Committee, at Cracow, in February 1943. The letter states:

> "The general nervousness is still more enhanced by the wrong methods of finding labor which have been used more and more frequently in recent months.
>
> "The wild and ruthless man-hunt as exercised everywhere in towns and country, in streets, squares, stations, even in churches, at night in houses, has badly shaken the feeling of security of the inhabitants. Everybody is exposed to the danger, to be seized anywhere and at any time by members of the police, suddenly and unexpectedly and to be brought into an assembly camp. None of his relatives knows what has happened to him, only months later one or the other gives news of his fate by a postcard." (*1526–PS*)

And in enclosure 5 of the letter it is related that:

> "In November of last year an inspection of all males of the age groups 1910 to 1920 was ordered in the area of Zaleschozyki (district of Czortkow). After the men had appeared for inspection, all those who were chosen were arrested at once, loaded into trains and sent to the Reich. Such recruiting of laborers for the Reich also took place in other areas of this district. Following some interventions the action was then stopped". (*1526–PS*)

The resistance of the Polish people to this Nazi enslavement program and the necessity for increased force were described by Sauckel's deputy Timm at a meeting of the Central Planning Board, Hitler's war-time planning agency, which was composed of Speer, Field Marshal Milch, and State Secretary Koerner. The Central Planning Board was the highest level economic planning agency, and exercised production controls by allocating raw materials and labor to industrial users. Timm's statement, which was made at the 36th conference of the Board, is as follows:

> "* * * Especially in Poland the situation at the moment is extraordinarily serious. It is well known that vehement battle occurred just because of these actions. The resistance against the administration established by us, is very strong. Quite a number of our men have been exposed to increased

> dangers, and it was just in the last two or three weeks that some of them were shot dead, e.g. the Head of the Labor Office of Warsaw who was shot in his office, and yesterday another man again. This is how matters stand presently, and the recruiting itself even if done with the best will remains extremely difficult unless police reinforcements are at hand." (*R–124*)

B. *The Occupied Eastern Territories.*

Deportation and enslavement of civilians reached unprecedented levels in the Occupied Eastern Territories as a direct result of labor demands made by Sauckel on Rosenberg, Reichsminister for the Occupied Eastern Territories, on Rosenberg's subordinates, and on the Armed Forces. On 5 October 1942, for example, Sauckel wrote to Rosenberg stating that 2,000,000 more foreign laborers were required, and that the majority of these would have to be drafted from the recently occupied Eastern Territories and especially from the Ukraine. The letter, (*017–PS*) reads as follows:

> "The Fuehrer has worked out new and most urgent plans for the armament which require the quick mobilization of two more million foreign labor forces. The Fuehrer therefore has granted me, for the execution of my decree of 21 March 1942, new powers for my new duties, and has especially authorized me to take whatever measures I think are necessary in the Reich, the Protectorate, the General-Gouvernement, as well as in the occupied territories, in order to assure at all costs an orderly mobilization of labor for the German armament industry. The additional required labor forces will have to be drafted for the majority from the recently occupied Eastern Territories, especially from the Reichskommissariat Ukraine. Therefore, the Reichskommissariat Ukraine must furnish:
>
> "225,000 labor forces by 31 December 1942 and 225,000 more by 1 May 1943.
>
> "I ask you to inform Reichskommissar Gauleiter party fellow member Koch about the new situation and requirements and especially to see to it that he will support personally in any possible way the execution of this new requirement.
>
> "I have the intention to visit Party member Koch shortly and I would be grateful to you if you could inform me as to where and when I could meet him for a personal discussion.
>
> "Right now though, I ask that the procurement be taken

> up at once with every possible pressure and the commitment of all powers especially also of the experts of the labor offices. All the directives which had limited temporarily the procurement of Eastern laborers are annulled. The Reichs procurement for the next months must be given priority over all other measures.
>
> "I do not ignore the difficulties which exist for the execution of this new requirement, but I am convinced that with the ruthless commitment of all resources, and with the full co-operation of all those interested, the execution of the new demands can be accomplished for the fixed date. I have already communicated the new demands to the Reichskommissar Ukraine via mail. In reference to our long distance phone call of to-day I will send you the text of the Fuehrer's decree at the beginning of next week." (*017–PS*)

Again on 17 March 1943 Sauckel wrote Rosenberg, demanding the importation of another 1,000,000 men and women from the Eastern territories within the following four months (*019–PS*). Sauckel said:

> "After a protracted illness my Deputy for Labor Supply in the occupied Eastern Territories, State Councillor Peukert, is going there to regulate the labor supply both for Germany and the territories themselves.
>
> "I ask you sincerely, dear party member Rosenberg, to assist him to your utmost on account of the pressing urgency of Peukert's mission. Already now I may thank you for the hitherto good reception accorded to Peukert. He himself has been charged by me with the absolute and completely unreserved cooperation with all bureaus of the Eastern Territories.
>
> "Especially the labor supply for the German agriculture, and likewise for the most urgent armament production programs ordered by the Fuehrer make the fastest importation of approximately 1 million women and men from the Eastern Territories within the next four months a must. Starting 15 March the daily shipment must have reached 5,000 female and male workers respectively, while beginning of April this number has to be stepped up to 10,000. This is a requisite of the most urgent programs, and the spring tillage, and other agricultural tasks are not to suffer for the detriment of the nutrition and of the armed forces.
>
> "I have foreseen the allotment of the draft quotas for the individual territories in agreement with your experts for the labor supply as follows:—

> "Daily quota starting 15 March 1943:
>
> | | People |
> |---|---|
> | "From General Commissariat White Ruthenia | 500 |
> | "Economic Inspection Center | 500 |
> | "Reichs Commissariat Ukraine | 3,000 |
> | "Economic Inspection South | 1,000 |
> | Total | 5,000 |
>
> "Starting 1 April 1943 the daily quota is to be doubled corresponding to the doubling of the entire quota.
>
> "I hope to visit personally the Eastern Territories towards the end of the month, and ask you once more for your kind support." (*019–PS*)

Sauckel travelled to Kauen in Lithuania to press his demands. A synopsis of a report of the City Commissioner of Kauen and minutes of a meeting in which Sauckel participated, reveal that:

> "In a lecture which the Plenipotentiary for the *Arbeitseinsatz*, Gauleiter Saucke1 made on 18 July 1943 in Kauen and in an official conference following it, between Gauleiter Saucke1 and the General Commissar, the pool of labor in the Reich was again brought up urgently: Gauleiter Saucke1 again demanded that Lithuanian labor be furnished in greater volume for the purposes of the Reich." (*204–PS*)

Saucke1 also visited Riga, Latvia, to assert his demands. The purpose of this visit is described in a letter from the Reich Commissar for the Ostland to the Commissioner General in Riga, dated 3 May 1943. The letter states, in part:

> "In reference to the basic statements of the Plenipotentiary General for manpower, Gauleiter Saucke1 on the occasion of his visit to Riga on 21 April 1943, and in view of the critical situation and in disregard of all contrary considerations, it was decided that a total of 183,000 workers have to be supplied from the Ostland for the Reich territory. This task must absolutely be accomplished within the next four months and at the latest must be completed by the end of August." (*2280–PS*)

Saucke1 asked the German Army for assistance in the recruitment and deportation of civilian labor from the Eastern Territories. A secret organization order of the Army Group South, dated 17 August 1943, is to the following effect:

> "The Plenipotentiary General for Labor Employment ordered the recruitment and employment of all born during two years for the whole, newly occupied Eastern territory in Decree Az. VI A 5780.28 (Inclosure 1), copy of which is

> inclosed. The Reich Minister for Armament and Munition approved this order.
>
> "According to this order by the Plenipotentiary General for Labor Employment (BGA) you have to recruit and to transport to the Reich immediately all labor forces in your territory born during 1926 and 1927. The decree relative labor duty and labor employment in the theater of operations of the newly occupied Eastern territory of the 6 February 1943 and the executive orders therefore are the authority for the execution of this measure. Enlistment must be completed by 30 Sept. 43 at the latest." (*3010–PS*)

Clearly, the demands made by Sauckel did result in the deportation of civilians from the occupied Eastern territories. Speer has stated in a record of conferences with Hitler on 10, 11, and 12 August 1942 that:

> "Gauleiter Sauckel promises to make Russian labor available for the fulfillment of the iron and coal program and reports that—if required—he can supply a further million Russian laborers for the German armament industry up to and including October 1942. So far, he has already supplied 1 million for industry and 700,000 for agriculture. In this connection the Fuehrer states that the problem of providing labor can be solved in all cases and to any extent; he authorizes Gauleiter Sauckel to take all measures required.
>
> "He would agree to any necessary compulsion (*zwangsmassnahmen*) in the East as well as in the West if this question could not be solved on a voluntary basis." (*R–124*)

3. VIOLENT METHODS OF DEPORTATION FOR SLAVE LABOR

In order to meet these demands, the Nazi conspirators made terror, violence, and arson the staple instruments of their policy of enslavement. Twenty days after Sauckel's demands of 5 October 1942, a high official in Rosenberg's Ministry by the name of Braeutigam, in a Top Secret memorandum dated 25 October 1942 described measures taken to meet these demands:

> "* * * We now experienced the grotesque picture of having to recruit millions of laborers from the Occupied Eastern Territories, after prisoners of war have died of hunger like flies, in order to fill the gaps that have formed within Germany. Now the food question no longer existed. In the prevailing limitless abuse of the Slavic humanity 'recruiting' methods were used which probably have their origin in the blackest periods of the slave trade. A regular manhunt was

> inaugurated. Without consideration of health or age the people were shipped to Germany where it turned out immediately that more than 100,000 had to be sent back because of serious illnesses and other incapabilities for work." (*294-PS*)

Rosenberg on 21 December 1942 wrote to Sauckel, the instigator of these brutalities, as follows:

> "The reports I have received show, that the increase of the guerilla bands in the occupied Eastern Regions is largely due to the fact that the methods used for procuring laborers in these regions are felt to be forced measures of mass deportations, so that the endangered persons prefer to escape their fate by withdrawing into the woods or going to the guerilla bands." (*018-PS*)

An attachement to Rosenberg's letter, consisting of parts excerpted from letters of residents of the Occupied Eastern territories by Nazi censors, relates that:

> "At our place, new things have happened. People are being taken to Germany. On Dec. 5, some people from the Kowkuski district were scheduled to go, but they didn't want to and the village was set afire. They threatened to do the same thing in Borowytschi, as not all who were scheduled to depart wanted to go. Thereupon 3 truck loads of Germans arrived and set fire to their houses. In Wrasnytschi 12 houses and in Borowytschi 3 houses were burned.
>
> "On Oct. 1 a new conscription of labor forces took place. From what has happened, I will describe the most important to you. You can not imagine the bestiality. You probably remember what we were told about the Soviets during the rule of the Poles. At that time we did not believe it and now it seems just as incredible. The order came to supply 25 workers, but no one reported. All had fled. Then the German militia came and began to ignite the houses of those who had fled. The fire became very violent, since it had not rained for 2 months. In addition the grain stacks were in the farm yards. You can imagine what took place. The people who had hurried to the scene were forbidden to extinguish the flames, beaten and arrested, so that 7 homesteads burned down. The policemen meanwhile ignited other houses. The people fell on their knees and kiss their hands, but the policemen beat them with rubber truncheons and threaten to burn down the whole village. I don't know how this would have ended if I Sapurkany had not intervened. He promised that there would be laborers by morning. During the fire the

> militia went through the adjoining villages, seized the laborers and brought them under arrest. Wherever they did not find any laborers, they detained the parents, until the children appeared. That is how they raged throughout the night in Bielosirka. The workers which had not yet appeared till then, were to be shot. All schools were closed and the married teachers were sent to work here, while the unmarried ones go to work in Germany. They are now catching humans like the dog-catchers used to catch dogs. They are already hunting for one week and have not yet enough. The imprisoned workers are locked in at the schoolhouse. They cannot even go out to perform their natural functions, but have to do it like pigs in the same room. People from many villages went on a certain day to a pilgrimage to the monastery Potschaew. They were all arrested, locked in, and will be sent to work. Among them there are lame, blind and aged people". (*018–PS*)

Rosenberg, nevertheless, countenanced the use of force in order to furnish slave labor to Germany and admitted his responsibility for the "unusual and hard measures" that were employed. The transcript of an interrogation of Rosenberg under oath on 6 October 1945, contains the following admissions:

> "* * * Q. You recognized, did you not, that the quotas set by Sauckel could not be filled by voluntary labor, and you didn't disapprove of the impressment of forced labor; isn't that right?
>
> "A. I regretted that the demands of Sauckel were so urgent that they could not be met by a continuation of voluntary recruitment and thus I submitted to the necessity of forced impressment."
>
> * * * * * * *
>
> "Q. The letters that we have already seen between you and Sauckel, do not indicate, do they, any disagreement on your part with the principle of recruiting labor against their will; they indicate, as I remember, that you were opposed to the treatment that was later accorded these workers; that you did not oppose their initial impressment.
>
> "A. That is right. In those letters I mostly discussed the possibility of finding the least harsh methods of handling the matter; whereas, in no way, I placed myself in opposition to the orders that he was carrying out for the Fuehrer." (*3719–PS*)

Moreover, in a letter dated 21 December 1942 Rosenberg stated:

> "* * * Even if I do not close my eyes to the necessity that the numbers demanded by the Reichs Minister for weapons and ammunition as well as by the agricultural economy justify unusual and hard measures, I have to ask, due to the responsibility for the occupied Eastern Territories which lies upon me, that in the accomplishment of the ordered tasks such measures be excluded, the toleration and prosecution of which will some day be held against me, and my collaborators." (*018–PS*)

Arson was used as a terror device in the Ukraine to enforce conscription measures. One instance is reported in a document from an official of the Rosenberg Ministry dated 29 June 1944, enclosing a copy of a letter from Paul Raab, a district commissioner in the territory of Wassilkow, to Rosenberg. Raab's letter reads as follows:

> "According to a charge by the Supreme Command of the Armed Forces I burned down a few houses in the territory of Wassilkow/Ukr. belonging to insubordinate people ordered for work-duty (*Arbeitseinsatzpflichtigen*). This accusation is true."

* * * * * * *

> "During the year 1942, the conscription of workers was accomplished by way of propaganda. Only very rarely was force necessary. Only in August 1942, measures had to be taken against 2 families in the villages Glewenka and Salisny-Chutter, each of which were to supply one person for labor. Both were requested in June for the first time, but didn't obey although requested repeatedly. They had to be brought up by force, but succeeded twice to escape from the collecting camp, or when being on transport. Before the second arrest, the fathers of both of the men were taken into custody, to be kept as hostages and to be released only when their sons would show up. When, after the second escape, rearrest of both the fathers and boys was ordered, the police patrols ordered to do so, found the houses to be empty."

* * * * * * *

> "That time I decided to take measures to show the increasingly rebellious Ukrainian youth that our orders have to be followed. I ordered the burning down of the houses of the fugitives."

* * * * * * *

> "After the initial successes, a passive resistance of the population started, which finally forced me to start again on

> making arrests, confiscations, and transfers to labor camps. After a while a transport of people, obliged to work, overran the police in the railroad station in Wassilkow and escaped. I saw again the necessity for strict measures. A few ring leaders, which of course escaped before they were found in Plissezkoje and in Mitnitza. After repeated attempts to get hold of them, their houses were burned down."

* * * * * * *

> "My actions against fugitive people obliged to work (*Arbeitseinsatzpflichtige*), were always reported to district commissioner Doehrer, in office in Wassilkow, and to the general-commissioner (*Generalkommissar*) in Kiew. Both of them know the circumstances and agreed with my measures, because of their success." (*254–PS*)

The village of Biloserka in the Ukraine was also the victim of arson as has already been related in the quotation from the enclosure to Rosenberg's letter of 21 December 1942 to Sauckel (*018–PS*). Additional proof of resort to arson in this village is furnished by other correspondence originating within the Rosenberg Ministry and dated 12 November 1943:

> "But even if Mueller had been present at the burning of houses in connection with the national conscription in Biloserka, this should by no means lead to the relief of Mueller from office. It is mentioned specifically in a directive of the Commissioner General in Lusk of 21 Sept 1942, referring to the extreme urgency of the national conscription.
>
> 'Estates of those who refuse to work are to be burned, their relatives are to be arrested as hostages and to be brought to forced labor camps.'" (*290–PS*)

The SS was directed to participate in the abduction of slave laborers, and in the case of raids on villages or burning of villages, to turn the entire population over for slave labor in Germany. A secret SS order dated 19 March 1943 (*3012–PS*) states:

> "The activity of the labor offices, resp. of recruiting commissions, is to be supported to the greatest extent possible. It will not be possible always to refrain from using force. During a conference with the Chief of the Labor Commitment Staffs, an agreement was reached stating that whatever prisoners can be released, they should be put at the disposal of the Commissioner of the Labor Office. When searching (*Uberholung*) villages, resp., when it has become necessary to burn down villages, the whole population will be put at the disposal of the Commissioner by force." (*3012–PS*)

From Shitomir, where Sauckel appealed for more workers for the Reich, the Commissioner General reported on the brutality of the conspirators' program, which he described as a program of coercion and slavery. This is revealed in a secret report of a conference between the Commissioner General of Shitomir and Rosenberg in Winniza on 17 June 1943 (*265–PS*). The report is dated 30 June 1943 and is signed by Leyser. It reads as follows:

> "The symptoms created by the recruiting of workers are, no doubt, well known to the Reichs Minister through reports and his own observations. Therefore, I shall not report them. It is certain that a recruitment of labor, in this sense of the word, can hardly be spoken of. In most cases, it is nowadays a matter of actual conscription by force."
>
> * * * * * * *
>
> "But as the Chief Plenipotentiary for the mobilization of labor explained to us the gravity of the situation, we had no other device. I consequently have authorized the commissioners of the areas to apply the severest measures in order to achieve the imposed quota. The deterioration of morale in conjunction with this does not necessitate any further proof. It is nevertheless essential to win the war on this front too. The problem of labor mobilization cannot be handled with gloves." (*265–PS*)

These recruitment measures enslaved so many citizens of occupied countries that entire areas were depopulated. Thus, a report from the Chief of Main Office III with the High Command in Minsk, dated 28 June 1943, to Ministerialdirektor Riecke, a top official in the Rosenberg Ministry states:

> "The recruitment of labor for the Reich, however necessary, had disastrous effects. The recruitment measures in the last months and weeks were absolute manhunts, which have an irreparable political and economic effect. From White Ruthenia, approx. 50,000 people have been obtained for the Reich so far. Another 130,000 are to be obtained. Considering the 2.4 million total population these figures are impossible. * * *
>
> "Due to the sweeping drives (*Grossaktionen*) of the SS and police in November 1942, about 115,000 hectar farmland is not used, as the population is not there and the villages have been razed. * * *" (*3000–PS*)

The conspirators' policy, of permanently weakening the enemy through the enslavement of labor and breaking up of families, was applied in the Occupied Eastern Territories after Rosenberg's approval of a plan for the apprehension and deportation of 40,000 to 50,000 youths of the ages from 10 to 14. The stated purpose of this plan, approved by Rosenberg, was to prevent a reinforcement of the enemy's military strength and to reduce the enemy's biological potentialities. *(031–PS)*

Further evidence of the Nazi conspirators' plan to weaken their enemies in utter disregard of the rules of International Law is contained in a secret order issued by a rear-area Military Commandant to the District Commissar at Kasatin on 25 December 1943. The order provided in part that:

> "1. The able-bodied male population between 15 and 65 years of age and the cattle are to be shipped back from the district East of the line Belilowka-Berditschen-Shitomir (places excluded)." *(1702–PS)*

The program of enslavement and its accompanying measures of brutality were not limited to Poland and the Eastern Occupied Territories, but extended to Western Europe as well. Frenchmen, Dutchmen, Belgians, and Italians all came to know the Nazi slavemasters. In France these slavemasters intensified their program in the early part of 1943 pursuant to instructions which Speer telephoned to Sauckel from Hitler's headquarters at eight in the evening of 4 January 1943. These instructions are found in a note for the files signed by Sauckel, dated 5 January 1943, which states:

> "1. On 4 January 1943 at 8 p.m. Minister Speer telephones from the Fuehrer's headquarters and communicates that on the basis of the Fuehrer's decision, it is no longer necessary to give special consideration to Frenchmen in the further recruiting of specialists and helpers in France. The recruiting can proceed with emphasis and sharpened measures." *(556–13–PS)*

To overcome the resistance to his enslavement program, Sauckel improvised new impressment measures which were applied in both France and Italy by his own agents and which he himself labelled as grotesque. At a meeting of the Central Planning Board on 1 March 1944 Sauckel stated:

> "The most abominable point made by my adversaries is their claim that no executive had been provided within these areas in order to recruit in a sensible manner the Frenchmen, Belgians and Italians and to dispatch them to work. Thereupon I even proceeded to employ and train a whole batch of French male and female agents who for good pay just as was done in olden times for "shanghaiing" went hunting for men and made them drunk by using liquor as well as words, in order to dispatch them to Germany.
>
> "Moreover, I charged some able men with founding a special

> labor supply executive of our own, and this they did by training and arming with the help of the Higher SS and Police Fuehrer, a number of natives, but I still have to ask the Munitions Ministry for arms for the use of these men. For during the last year alone several dozens of very able labor executive officers have been shot dead. All these means I have to apply, grotesque as it sounds, to refute the allegation there was no executive to bring labor to Germany from these countries." (*R–124*)

As in France, the slave hunt in Holland was accompanied by terror and abduction. The "Statement of the Netherlands Government in view of the Prosecution and Punishment of the German Major War Criminals", (*1726–PS*) contains the following account of the deportation of Netherlands workmen to Germany:

> "Many big and reasonably large business concerns, especially in the metal industry, were visited by German commissions who appointed workmen for deportation. This combing out of the concerns was called the "Sauckel-action", so named after its leader, who was charged with the appointment of foreign workmen in Germany.
>
> "The employers had to cancel the contracts with the appointed workmen temporarily, and the latter were forced to register at the labour offices, which then took care of the deportation under supervision of German '*Fachberater.*'
>
> "Workmen who refused (relatively few) were prosecuted by the *Sicherheitsdeinst* (SD). If captured by this service, they were mostly lodged for some time in one of the infamous prisoners camps in the Netherlands and eventually put to work in Germany.
>
> "In this prosecution the *Sicherheitsdienst* was supported by the German Police Service, which was connected with the labour offices, and was composed of members of the N.S.B. and the like.
>
> "At the end of April 1942 the deportation of working labourers started on a grand scale. Consequently in the months of May and June the number of deportees amounted to not less than 22,000, resp. 24,000 of which many were metal workers.
>
> "After that the action slackened somewhat, but in October 1942 another top was reached (2,600). After the big concerns, the smaller ones had, in their turn, to give up their personnel.
>
> "This changed in November 1944. The Germans then started a ruthless campaign for man-power, passing by the labour

> offices. Without warning, they lined off whole quarters of the towns, seized people in the streets or in the houses and deported them.
>
> "In Rotterdam and Schiedam where these raids (razzia's) took place on 10 and 11 November, the amount of people thus deported was estimated at 50,000 and 5,000 respectively.
>
> "In other places where the raids were held later, the numbers were much lower, because one was forewarned by the events. The exact figures are not known as they have never been published by the occupants.
>
> "The people thus seized were put to work partly in the Netherlands, partly in Germany * * *." (*1726-PS*)

A document found in the OKH files furnishes further evidence of the seizure of workers in Holland. This document contains the partial text of a lecture delivered by a Lieutenant Haupt of the German *Wehrmacht* concerning the situation of the war economy in the Netherlands:

> "There had been some difficulties with the *Arbeitseinsatz,* i.e., during the man-catching action *(Menchenfang Aktion)* which became very noticeable because it was unorganized and unprepared. People were arrested in the streets and taken out of their homes. It has been impossible to carry out a unified release procedure in advance, because for security reasons, the time for the action had not been previously announced. Certificates of release, furthermore, were to some extent not recognized by the officials who carried out the action. Not only workers who had become available through the stoppage of industry but also those who were employed in our installations producing things for our immediate need. They were apprehended or did not dare to go into the streets. In any case it proved to be a great loss to us. * * *" (*3003-PS*)

4. RESULTS OF THE SLAVE LABOR PROGRAM

The hordes of displaced persons in Germany today reflect the extent to which the Nazi conspirators' labor program succeeded. The best available Allied and German data reveal that as of January 1945 approximately 4,795,000 foreign civilian workers had been put to work for the German war effort in the old Reich, among them slave laborers of more than 14 different nationalities. An affidavit executed by Edward L. Deuss, an economic analyst, contains the following statistical summation:

"APPROXIMATE NUMBER OF FOREIGNERS PUT TO WORK FOR THE GERMAN WAR EFFORT IN THE OLD REICH

[Status January 1945]

Nationality	Workers	P/W's	Politicals	Total
Russians	1,900,000	600,000	11,000	2,500,000
	764,000	750,000	....	1,525,000
Poles	851,000	60,000	....	911,000
Italians	227,000	400,000	....	627,000
Dutch	274,000	....	2,300	277,000
Belgians	183,000	63,000	8,900	254,000
Yugoslavs	230,000	....	....	230,000
Czechoslovaks	140,000	....	....	140,000
Balts	130,000	....	....	130,000
Greeks	15,000	....	....	15,000
Luxembourgers	14,000	....	1,000	15,000
Hungarians	10,000	....	....	10,000
Rumanians	5,000	....	....	5,000
Bulgarians	2,000	....	....	2,000
Others	50,000	....	....	50,000
Totals	4,795,000	1,873,000	23,200	6,691,000

"Note: Of the estimated 6,691,000 approximately 2,000,000 civilian foreigners and 245,000 prisoners of war were employed directly in the manufacture of armaments and munitions (end products or components) on the 31 December 1944, according to Speer Ministry tabulations. The highest number of prisoners of war so employed was 400,000 in June 1944, the decrease to December 1944 being accounted for in part by a change in status from prisoners to civilian workers. A figure of 2,070,000 Russians uncovered in the American, British and French zones, given in 'Displaced Persons Report No. 43,' of the Combined Displaced Persons' Executive, c/o G-5 Division, USFET, 30 September 1945, was increased by 430,000 to allow for Russians estimated to have been found on German territory conquered by the Red Army."

* * * * * * *

"The designation 'Politicals' at the head of the third column in the table should be taken to mean persons who upon being uncovered in Germany by the Allied forces asserted that they

> were arrested in their native countries for subversive activities against the Nazis, and were transported to Germany for incarceration. The figures do not include racial or religious deportees, nor persons imprisoned for crimes allegedly committed in Germany * * *." (*2520-PS*)

Only a small proportion of the foreign workers brought to Germany were volunteers. At the 1 March 1944 meeting of the Central Planning Board, Sauckel made clear the vast scale of slavery. He stated:

> "* * * Out of five million foreign workers who arrived in Germany, not even 200,000 came voluntarily." (*R-124*)

5. CONDITIONS OF DEPORTATION AND SLAVE LABOR

The Nazi conspirators were not satisfied to tear 5,000,000 persons from their families, their homes, and their country. They insisted that these 5,000,000 wretches, while being deported to Germany or after their arrival, be degraded, beaten, and permitted to die for want of food, clothing, and adequate shelter. Conditions of deportation are vividly described in a report to Rosenberg concerning treatment of Ukrainian labor (*054-PS*):

> "The starosts esp. village elders are frequently corruptible, they continue to have the skilled workers, whom they drafted, dragged from their beds at night to be locked up in cellars until they are shipped. Since the male and female workers often are not given any time to pack their luggage, etc., many skilled workers arrive at the Collecting Center for Skilled Workers with equipment entirely insufficient (without shoes, only two dresses, no eating and drinking utensils, no blankets, etc.) In particularly extreme cases new arrivals therefore have to be sent back again immediately to get the things most necessary for them. If people do not come along at once, threatening and beating of skilled workers by the above mentioned militia is a daily occurrence and is reported from most of the communities. In some cases women were beaten until they could no longer march. One bad case in particular was reported by me to the commander of the civil police here (Colonel Samek) for severe punishment (place Sozolinkow, district Dergatschi). The encroachments of the starosts and the militia are of a particularly grave nature because they usually justify themselves by claiming that all that is done in the name of the German Armed Forces. In reality the latter have conducted themselves throughout in a highly understanding manner toward the skilled workers

> and the Ukrainian population. The same, however, can not be said of some of the administrative agencies. To illustrate this be it mentioned, that a woman once arrived being dressed with barely more than a shirt."
>
> * * * * * * *
>
> "* * * On the basis of reported incidents, attention must be called to the fact that it is irresponsible to keep workers locked in the cars for many hours so that they cannot even take care of the calls of nature. It is evident that the people of a transport must be given an opportunity from time to time in order to get drinking water, to wash, and in order to relieve themselves. Cars have been showed in which people had made holes so that they could take care of the calls of nature. When nearing bigger stations persons should, if possible, relieve themselves far from these stations."
>
> * * * * * * *
>
> "The following abuses were reported from the delousing stations:
>
> "In the women's and girls' shower rooms, services were partly performed by men or men would mingle around or even helped with the soaping; and vice versa, there were female personnel in the men's shower rooms; men also for some time were taking photographs in the women's shower rooms. Since mainly Ukrainian peasants were transported in the last months, as far as the female portion of these are concerned, they were mostly of a high moral standard and used to strict decency, they must have considered such a treatment as a national degradation. The above mentioned abuses have been, according to our knowledge, settled by the intervention of the transport commanders. The reports of the photographing were made from Halle; the reports about the former were made from Kiewerce. Such incidents in complete disregard of the honor and respect of the Greater German Reich may still occur again here or there." (*054–PS*)

Sick and infirm citizens of the occupied countries were taken indiscriminately with the rest. Those who managed to survive the trip into Germany, but who arrived too sick to work, were returned like cattle, together with those who fell ill at work, because they were of no further use to the Germans. The return trip took place under the same conditions as the initial journey, and without any kind of medical supervision. Death came to many, and their corpses were unceremoniously dumped out of the cars with no provision for burial. Thus, the report continues:

> "* * * Very depressing for the morale of the skilled

> workers and the population is the effect of those persons shipped back from Germany for having become disabled or not having been fit for labor commitment from the very beginning. Several times already transports of skilled workers on their way to Germany have crossed returning transports of such disabled persons and have stood on the tracks alongside of each other for a longer period of time. Those returning transports are insufficiently cared for. Nothing but sick, injured or weak people, mostly 50–60 to a car, are usually escorted by 3–4 men. There is neither sufficient care or food. The returnees made frequently unfavourable—but surely exaggerated—statements relative to their treatment in Germany and on the way. As a result of all this and of what the people could see with their own eyes, a psychosis of fear was evoked among the specialist workers resp. the whole transport to Germany. Several transport leaders of the 62d and the 63d in particular reported thereto in detail. In one case the leader of the transport of skilled workers observed with own eyes how a person who died of hunger was unloaded from a returning transport on the side track. (1st Lt. Hofman of the 63rd transport Station Darniza). Another time it was reported that 3 dead had to be deposited by the side of the tracks on the way and had to be left behind unburied by the escort. It is also regrettable that these disabled persons arrive here without any identification. According to the reports of the transport commanders one gets the impression that these persons unable to work are assembled, penned into the wagons and are sent off provided only by a few men escort, and without special care for food and medical or other attendance. The Labor Office at the place of arrival as well as the transport commanders confirm this impression." (*054–PS*)

Mothers in childbirth shared cars with those infected with tuberculosis or venereal diseases. Babies when born were hurled out of windows. Dying persons lay on the bare floors of freight cars without even the small comfort of straw. These conditions are revealed in an interdepartmental report prepared by Dr. Gutkelch in Rosenberg's Ministry, dated 30 September 1942, from which the following quotation is taken:

> "How necessary this interference was is shown by the fact that this train with returning laborers had stopped at the same place where a train with newly recruited Eastern laborers had stopped. Because of the corpses in the trainload of returning laborers, a catastrophe might have been

> precipitated had it not been for the mediation of Mrs. Miller. In this train women gave birth to babies who were thrown out of the windows during the journey, people having tuberculosis and venereal diseases rode in the same car, dying people lay in freight cars without straw, and one of the dead was thrown on the railway embankment. The same must have occurred in other returning transports." (*084–PS*)

Some aspects of Nazi transport were described by Sauckel himself in a decree which he issued on 20 July 1942, (*2241–PS*). The original decree is published in section B1a, page 48e of a book entitled *"Die Beschaeftigung von auslaendischen Arbeitskraeften in Duetschland."* The decree reads, in part, as follows:

> "According to reports of transportation commanders *(Transportleiters)* presented to me, the special trains provided by the German railway have frequently been in a really deficient condition. Numerous windowpanes have been missing in the coaches. Old French coaches without lavatories have been partly employed so that the workers had to fit up an emptied compartment as a lavatory. In other cases, the coaches were not heated in winter so that the lavatories quickly became unusable because the water system was frozen and the flushing apparatus was therefore without water." (*2241–PS*)

Many of the foregoing documents, it will be noted, consist of complaints by functionaries of the Rosenberg ministry or by others concerning the conditions under which foreign workers were recruited and compelled to live. These documents establish not only the facts therein recited, but also show that the Nazi conspirators had knowledge of such conditions. Notwithstanding their knowledge of these conditions, however, the Nazi conspirators continued to countenance and assist in the enslavement of a vast number of citizens of occupied countries.

Once within Germany, slave laborers were subjected to treatment of an unusually brutal and degrading nature. The character of Nazi treatment was in part made plain by the conspirator's own statements. Sauckel declared on one occasion:

> "All the men must be fed, sheltered and treated in such a way as to exploit them to the highest possible extent at the lowest conceivable degree of expenditure." (*016–PS*)

Force and brutality as instruments of production found a ready adherent in Speer who, in the presence of Sauckel, said at a meeting of the Central Planning Board:

> "We must also discuss the slackers. Ley has ascertained that the sicklist decreased to one-fourth or one-fifth in fac-

> tories where doctors are on the staff who are examining the sick men. There is nothing to be said against SS and police taking drastic steps and putting those known as slackers into concentration camps. There is no alternative. Let it happen several times and the news will soon go round." (*R–124*)

At a later meeting of the Central Planning Board, Field Marshall Milch agreed that so far as workers were concerned,

> "The list of the shirkers should be entrusted to Himmler's trustworthy hands." (*R–124*)

Milch made particular reference to foreign workers by stating:

> "It is therefore not possible to exploit fully all the foreigners unless we compel them by piece-work or we have the possibility of taking measures against foreigners who are not doing their bit." (*R–124*)

The policy as actually executed was even more Draconian than the policy as planned by the conspirators. Impressed workers were underfed and overworked. They were forced to live in grossly overcrowded camps where they were held as virtual prisoners and were otherwise denied adequate shelter. They were denied adequate clothing, adequate medical care and treatment and, as a result, suffered from many diseases and ailments. They were generally forced to work long hours up to and beyond the point of exhaustion. They were beaten and subjected to inhuman indignities.

An example of this mistreatment is found in the conditions which prevailed in the Krupp factories. Foreign laborers at the Krupp Works were given insufficient food to enable them to perform the work required of them. A memorandum upon Krupp stationery to Mr. Hupe, director of the Krupp Locomotive Factory in Essen, dated 14 March 1942, states:

> "During the last few days we established that the food for the Russians employed here is so miserable, that the people are getting weaker from day to day.
>
> "Investigations showed that single Russians are not able to place a piece of metal for turning into position for instance, because of lack of physical strength. The same conditions exist at all places of work where Russians are employed." (*D–316*)

The condition of foreign workers in Krupp workers camps is described in detail in an affidavit executed in Essen, Germany, on 15 October 1945 by Dr. Wilhelm Jager, who was the senior camp doctor. Dr. Jager makes the following statement:

> "* * * Conditions in all these camps were extremely

bad. The camps were greatly overcrowded. In some camps there were twice as many people in a barrack as health conditions permitted. At Kramerplatz, the inhabitants slept in treble-tiered bunks, and in the other camps they slept in double-tiered bunks. The health authorities prescribed a *minimum* space between beds of 50 em, but the bunks in these camps were separated by a *maximum* of 20–30 em.

"The diet prescribed for the eastern workers was altogether insufficient. They were given 1,000 calories a day less than the minimum prescribed for any German. Moreover, while German workers engaged in the heaviest work received 5,000 calories a day, the eastern workers in comparable jobs received only 2,000 calories. The eastern workers were given only 2 meals a day and their bread ration. One of these two meals consisted of a thin, watery soup. I had no assurance that the eastern workers, in fact, received the minimum which was prescribed. Subsequently, in 1943, when I undertook to inspect the food prepared by the cooks, I discovered a number of instances in which food was withheld from the workers.

"The plan for food distribution called for a small quantity of meat per week. Only inferior meats, rejected by the veterinary such as horse meat or tuberculin infested was permitted for this purpose. This meat was usually cooked into a soup.

"The clothing of the eastern workers was likewise completely inadequate. They worked and slept in the same clothing in which they had arrived from the east. Virtually all of them had no overcoats and were compelled, therefore, to use their blankets as coats in cold and rainy weather. In view of the shortage of shoes many workers were forced to go to work in their bare feet, even in the winter. Wooden shoes were given to some of the workers, but their quality was such as to give the workers sore feet. Many workers preferred to go to work in their bare feet rather than endure the suffering caused by the wooden shoes. Apart from the wooden shoes, no clothing of any kind was issued to the workers until the latter part of 1943, when a single blue suit was issued to some of them. To my knowledge, this represented the sole issue of clothing to the workers from the time of their arrival until the American forces entered Essen.

"Sanitary conditions were exceedingly bad. At Kramerplatz, where approximately 1,200 eastern workers were crowded into the rooms of an old school, the sanitary conditions were atrocious in the extreme. Only 10 childrens' toilets were available for the 1,200 inhabitants. At Dechenschule, 15 childrens' toilets were available for the 400–500 eastern workers. Excretion contaminated the entire floors of these lavatories. There were also few facilities for washing. The supply of bandages, medicine, surgical instruments, and other medical supplies at these camps was likewise altogether insufficient. As a consequence, only the very worst cases were treated.

"The percentage of eastern workers who were ill was twice as great as among the Germans. Tuberculosis was particularly widespread among the eastern workers. The T. B. rate among them was 4 times the normal rate of (2 percent eastern workers, German .5 percent). At Dechenschule approximately 2½ percent of the workers suffered from open T. B. These were all active T. B. cases. The Tartars and Kirghis suffered most; as soon as they were overcome by this disease they collapsed like flies. The cause was bad housing, the poor quality and insufficient quantity of food, overwork, and insufficient rest.

"These workers were likewise afflicted with spotted fever. Lice the carrier of this disease, together with countless fleas, bugs and other vermin tortured the inhabitants of these camps. As a result of the filthy conditions of the camps nearly all eastern workers were afflicted with skin disease. The shortage of food also caused many cases of Hunher-Oedem, Nephritis, and Shighakruse.

"It was the general rule that workers were compelled to go to work unless a camp doctor had prescribed that they were unfit for work. At Seumannstrasse, Grieperstrasse, Germanistrasse, Kapitanlehmannstrasse, and Dechenschule, there was no daily sick call. At these camps, the doctors did not appear for two or three days. As a consequence, workers were forced to go to work despite illnesses."

* * * * * * *

"Camp Humboldstrasse has been inhabitated by Italian prisoners of war. After it had been destroyed by an air raid, the Italians were removed and 600 Jewish females from Buchenwald Concentration Camp were brought in to work at the Krupp factories. Upon my first visit at Camp Humboldstrasse, I found these females suffering from open festering wounds and other diseases.

"I was the first doctor they had seen for at least a fortnight. There was no doctor in attendance at the camp. There was no medical supplies in the camp. They had no shoes and went about in their bare feet. The sole clothing of each consisted of a sack with holes for their arms and head. Their hair was shorn. The camp was surrounded by barbed wire and closely guarded by SS guards.

"The amount of food in the camp was extremely meagre and of very poor quality. The houses in which they lived consisted of the ruins of former barracks and they afforded no shelter against rain and other weather conditions. I reported to my superiors that the guards lived and slept outside their barracks as one could not enter them without being attacked by 10, 20 and up to 50 fleas. One camp doctor employed by me refused to enter the camp again after he had been bitten very badly. I visited this camp with a Mr. Green on two occasions and both times we left the camp badly bitten. We had great difficulty in getting rid of the fleas and insects which had attacked us. As a result of this attack by insects of this camp, I got large boils on my arms and the rest of my body. I asked my superiors at the Krupp works to undertake the necessary steps to de-louse the camp so as to put an end to this unbearable, vermin-infested condition. Despite this report, I did not find any improvement in sanitary conditions at the camp on my second visit a fortnight later.

"When foreign workers finally became too sick to work or were completely disabled they were returned to the Labour Exchange in Essen and from there, they were sent to a camp at Friedrichsfeld. Among persons who were returned over to the Labour Exchange were aggravated cases of tuberculosis, malaria, neurosis, career which could not be treated by operation, old age, and general feebleness. I know nothing about conditions at this camp because I have never visited it. I only know that it was a place to which workers who no longer of any use to Krupp were sent.

"My colleagues and I reported all of the foregoing matters to Mr. Ihh, Director of Friedrich Krupp A. G. Dr. Wiels, personal physician of Gustav Krupp von Bohlen und Halbach, Senior Camp Leader Kupke, and at all times to the health department. Moreover, I know that these gentlemen personnally visited the camps.

"(Signed) Dr. Wilhelm Jager." (*D–288*)

The conditions just described were not confined to the Krupp factories but existed throughout Germany. A report of the Polish Main Committee to the Administration of the Government-General of Poland, dated 17 May 1944, describes in similar terms the situation of Polish workers in Germany (*R–103*):

"The cleanliness of many overcrowded camp rooms is contrary to the most elementary requirements. Often there is no opportunity to obtain warm water for washing; therefore the cleanest parents are unable to maintain even the most primitive standard of hygiene for their children or often even to wash their only set of linen. A consequence of this is the spreading of scabies which cannot be eradicated

* * *

"We receive imploring letters from the camps of Eastern workers and their prolific families beseeching us for food. The quantity and quality of camp rations mentioned therein —the so-called fourth grade of rations—is absolutely insufficient to maintain the energies spent in heavy work. 3.5 kg. of bread weekly and a thin soup at lunch time, cooked with swedes or other vegetables without any meat or fat, with a meager addition of potatoes now and then is a hunger ration for a heavy worker.

"Sometimes punishment consists of starvation which is inflicted, i.e. for refusal to wear the badge, 'East'. Such punishment has the result that workers faint at work (Klosterteich Camp, Gruenheim, Saxony). The consequence is complete exhaustion, an ailing state of health and tuberculosis. The spreading of tuberculosis among the Polish factory workers is a result of the deficient food rations meted out in the community camps because energy spent in heavy work cannot be replaced * * *.

"The call for help which reaches us, brings to light starvation and hunger, severe stomach intestinal trouble especially in the case of children resulting from the insufficiency of food which does not take into consideration the needs of children. Proper medical treatment or care for the sick are not available in the mass camps. * * *"

* * * * * * *

"In addition to these bad conditions, there is lack of systematic occupation for and supervision of these hosts of children which affects the life of prolific families in the camps. The children, left to themselves without schooling or religious care, must run wild and grow up illiterate. Idleness in rough surroundings may and will create unwanted results in these children * * *. An indication of the awful conditions this may lead to is given by the fact that in the camps for Eastern workers—(camp for Eastern workers, 'Waldlust', Post Office Lauf, Pegnitz)—there are cases of 8-year old delicate and undernourished children put to forced labor and perishing from such treatment.

"The fact that these bad conditions dangerously affect the state of health and the vitality of the workers is proved by the many cases of tuberculosis found in very young people returning from the Reich to the General-Government as unfit for work. Their state of health is usually so bad that recovery is out of the question. The reason is that a state of exhaustion resulting from overwork and a starvation diet is not recognized as an ailment until the illness betrays itself by high fever and fainting spells.

"Although some hostels for unfit workers have been provided as a precautionary measure, one can only go there when recovery may no longer be expected—(Neumarkt in Bavaria). Even there the incurables waste away slowly, and nothing is done even to alleviate the state of the sick by suitable food and medicines. There are children there with tuberculosis whose cure would not be hopeless and men in their prime who if sent home in time to their families in rural districts, might still be able to recover.

"No less suffering is caused by the separation of families when wives and mothers of small children are away from their families and sent to the Reich for forced labor.* * *"

* * * * * * *

"If, under these bad conditions, there is no moral support such as is normally based on regular family life, then at least such moral support which the religious feelings of the Polish population require should be maintained and increased. The elimination of religious services, religious practice and religious care from the life of the Polish workers, the prohibition of church attendance at a time when there is a religious service for other people and other measures show a certain contempt for the influence of religion on the feelings and opinions of the workers." (*R–103*)

Particularly harsh and brutal treatment was reserved for workers imported from the conquered Eastern territories. They lived in bondage, were quartered in stables with animals, and were denied the right of worship and the pleasures of human society.. A document entitled "Directives on the Treatment of Foreign Farmworkers of Polish Nationality", issued by the Minister for Finance and Economy of Baden on 6 March 1941, describes this treatment (*EC–68*):

"The agencies of the Reich Food Administration (*Reichsnaehrstand)* State Peasant Association of Baden have received the result of the negotiations with the Higher SS and Police Officer in Stuttgart on 14 February 1941, with great satisfaction. Appropriate memoranda have already been turned over to the District Peasants' Associations. Below, I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly:

"1. Fundamentally, farmworkers of Polish nationality no longer have the right to complain, and thus no complaints may be accepted any more by any official agency.

"2. The farmworkers of Polish nationality may not leave the localities in which they are employed, and have a curfew from 1 October to 31 March from 2000 hours to 0600 hours, and from 1 April to 30 September from 2100 hours to 0500 hours.

"3. The use of bicycles is strictly prohibited. Exceptions are possible for riding to the place of work in the field if a relative of the employer or the employer himself is present.

"4. The visit of churches, regardless of faith, is strictly prohibited, even when there is no service in progress. Individual spiritual care by clergymen outside of the church is permitted.

"5. Visits to theaters, motion pictures or other cultural entertainment are strictly prohibited for farmworkers of Polish nationality.

"6. The visit of restaurants is strictly prohibited to farmworkers of Polish nationality except for one restaurant in the village, which will be selected by the Rural Councillor's office *(Landratsamt)*, and then only one day per week. The day, which is determined as the day to visit the restaurant, will also be determined by the *Landratsamt.* This regulation does not change the curfew regulation mentioned above under No. 2.

"7. Sexual intercourse with women and girls is strictly prohibited, and where it is established, it must be reported.

"8. Gatherings of farmworkers of Polish nationality after work is prohibited, whether it is on other farms, in the stables, or in the living quarters of the Poles.

"9. The use of railroads, buses or other public conveyances by farmworkers of Polish nationality is prohibited.

"10. Permits to leave the village may only be granted in very exceptional cases, by the local police authority (Mayor's office). However, in no case may it be granted if he wants to visit a public agency on his own, whether it is a labor office or the District Peasants Association or whether he wants to change his place of employment.

"11. Arbitrary change of employment is strictly prohibited. The farmworkers of Polish nationality have to work daily so long as the interests of the enterprise demands it, and as it is demanded by the employer. There are no time limits to the working time.

"12. Every employer has the right to give corporal punishment toward farmworkers of Polish nationality, if instructions and good words fail. The employer may not be held accountable in any such case by an official agency.

"13. Farmworkers of Polish nationality should, if possible, be removed from the community of the home and they can be quartered in stables, etc. No remorse whatever should restrict such action.

"14. Report to the authorities is compulsory in all cases, when crimes have been committed by farmworkers of Polish nationality, which are to sabotage the enterprise or slow down work, for instance unwillingness to work, impertinent behavior; it is compulsory even in minor cases. An employer, who loses his Pole who must serve a longer prison sentence because of such a compulsory report, will receive another Pole from the competent labor office on request with preference.

"15. In all other cases, only the state police is still competent.

"For the employer himself, severe punishment is contemplated if it is established that the necessary distance from farmworkers of Polish nationality has not been kept. The same applies to women and girls. Extra rations are strictly prohibited. Noncompliance to the Reich tariffs for farmworkers of Polish nationality will be punished by the competent labor office by the taking away of the worker." (*EC-68*)

The women of the conquered territories were led away against their will to serve as domestics. Sauckel described this program as follows:

"* * * In order to relieve considerably the German housewife, especially the mother with many children and the extremely busy farmwoman, and in order to avoid any further danger to their health, the Fuehrer also charged me with procurement of 400,000—500,000 selected, healthy and strong girls from the territories of the East for Germany." (*016-PS*)

Once captured, these Eastern women, by order of Sauckel, were bound to the household to which they were assigned, permitted at the most three hours of freedom a week, and denied the right to return to their homes. The decree issued by Sauckel containing instructions for housewives concerning Eastern household workers, provides in part, as follows:

> "* * * There is no claim for free time. Female domestic workers from the East may, on principle, leave the household only to take care of domestic tasks. As a reward for good work, however, they may be given the opportunity to stay outside the home without work for 3 hours once a week. This leave must end with the onset of darkness, at the latest at 20 00 hours. It is prohibited to enter restaurants, movies, or other theatres and similar establishments provided for German or foreign workers. Attending church is also prohibited. Special events may be arranged for Eastern domestics in urban homes by the German Workers' Front, for Eastern domestics in rural homes by the Reich Food Administration with the German Women's League (*Deutsches Frauenwerk*). Outside the home, the Eastern domestic must always carry her work card as a personal pass.
>
> "10. Vacations, Return to Homes.
>
> "Vacations are not granted as yet. The recruiting of Eastern domestics is for an indefinite period." (*3044–B–PS*)

At all times the shadow of the Gestapo and the concentration camp hovered over the enslaved workers. As with the other major programs of the Nazi conspirators, Himmler's blackshirted SS formations were the instruments employed for enforcement. A secret order dated 20 February 1942, issued by Reichsfuehrer SS Himmler to SD and security police officers spells out the violence which was applied against the Eastern workers. (*3040–PS*):

> "III. Combatting violations against discipline.
>
> "(1) According to the equal status of the manpower from the original Soviet Russian territory with prisoners of war, a strict discipline must be exercised in the quarters and at the working place. Violations against discipline, including work refusal and loafing at work, will be fought exclusively by the secret State police. The smaller cases will be settled by the leader of the guard according to instruction of the State police administration offices with measures as provided for in the enclosure. To break acute resistance, the guards shall be permitted to use also physical power against the manpower. But this may be done only for a cogent cause.

The manpower should always be informed about the fact that they will be treated decently when conducting themselves with discipline and accomplishing good work.

"(2) In severe cases, that is in such cases where the measures at the disposal of the leader of the guard do not suffice, the State police office has to act with its means. Accordingly, they will be treated, as a rule, only with strict measures, that is with transfer to a concentration camp or with special treatment.

"(3) The transfer to a concentration camp is done in the usual manner.

"(4) In especially severe cases special treatment is to be requested at the Reich Security Main Office, stating personnel data and the exact history of the act.

"(5) Special treatment is hanging. It should not take place in the immediate vicinity of the camp. A certain number of manpower from the original Soviet Russian territory should attend the special treatment; at that time they are warned about the circumstances which led to this special treatment.

"(6) Should special treatment be required within the camp for exceptional reasons of camp discipline, this is also to be requested."

* * * * * * *

"VI. Sexual Intercourse.

"Sexual intercourse is forbidden to the manpower of the original Soviet Russian territory. By means of their closely confined quarters they have no opportunity for it. Should sexual intercourse be exercised nevertheless — especially among the individually employed manpower on the farms— the following is directed:

"(1) For every case of sexual intercourse with German countrymen or women, special treatment is to be requested for male manpower from the original Soviet Russian territory, transfer to a concentration camp for female manpower.

"(2) When exercising sexual intercourse with other foreign workers, the conduct of the manpower from the original Soviet Russian territory is to be punished as severe violation of discipline with transfer to a concentration camp."

* * * * * * *

"VIII. Search.

"(1) Fugitive workers from the original Soviet Russian territory are to be announced principally in the German search

> book (*Fanndungsbuch*). Furthermore, search measures are to be decreed locally.
>
> "(2) When caught, the fugitive must receive special treatment * * *." (*3040–PS*)

6. USE OF SLAVE LABOR IN GERMAN WAR INDUSTRIES

The primary purpose of the slave labor program was to compel the people of the occupied countries to work for the German war economy. The decree appointing Sauckel Plenipotentiary-General for Manpower declares the purpose of the appointment to be to facilitate acquisition of the manpower required for German war industries, and in particular the armaments industry, by centralizing under Sauckel responsibility for the recruitment and allocation of foreign labor and prisoners of war in these industries (*1666–PS*). This decree, signed by Hitler, Lammers and Keitel, and dated 21 March 1942, provides:

> "In order to secure the manpower requisite for the war industries as a whole, and particularly for armaments, it is necessary that the utilization of all available manpower, including that of workers recruited (*angeworbenen*) abroad and of prisoners of war, should be subject to a uniform control, directed in a manner appropriate to the requirements of war industry, and further that all still incompletely utilized manpower in the Greater German Reich, including the Protectorate, and in the General Government and in the occupied territories should be mobilized.
>
> "*Reichsstatthalter* and *Gauleiter* Fritz Sauckel will carry out this task within the framework of the Four Year Plan, as Plenipotentiary General, for the utilization of labor. In that capacity he will be directly responsible to the Commissioner for the Four Year Plan.
>
> "Section III (Wages) and Section V (Utilization of labor) of the Reich Labor Ministry, together with their subordinate authorities, will be placed at the disposal of the Plenipotentiary General for the accomplishment of his task." (*1666–PS*)

Sauckel's success can be gauged from a letter he wrote to Hitler on 15 April 1943, containing a report on one year's activities:

> "1. After one year's activity as Plenipotentiary for the Direction of Labor, I can report that 3,638,056 new foreign workers were given to the German war economy from 1 April of last year to 31 March this year.
>
> "2. The 3,638,056 are distributed amongst the following branches of the German war economy
>
> Armament—1,568,801." (*407–VI–PS*)

Further evidence of this use of enslaved foreign labor is found in a report of a meeting of the Central Planning Board on 16 February 1944, during which Field Marshal Milch stated:

> "The armament industry employs foreign workmen to a large extent; according to the latest figures—40 percent." (*R-124*)

Moreover, according to tabulations of Speer's Ministry, as of 31 December 1944 approximately two million civilian foreign workers were employed directly in the manufacture of armaments and munitions (end products or components). (*2520-PS*)

Sauckel, Speer, and Keitel also succeeded in forcing foreign labor to construct military fortifications. Thus, citizens of France, Holland, and Belgium were compelled against their will to engage in the construction of the "Atlantic Wall". Hitler, in an order dated 8 September 1942, initialed by Keitel, decreed that:

> "The extensive coastal fortifications which I have ordered to be erected in the area of Army Group West make it necessary that in the occupied territory all available workers should be committed and should give the fullest extent of their productive capacities. The previous allotment of domestic workers is insufficient. In order to increase it, I order the introduction of compulsory labor and the prohibition of changing the place of employment without permission of the authorities in the occupied territories. Furthermore, the distribution of food and clothing ration cards to those subject to labor draft should in the future depend on the possession of a certificate of employment. Refusal to accept an assigned job, as well as abandoning the place of work without the consent of the authorities in charge, will result in the withdrawal of the food and clothing ration cards. The GBA (Deputy General for *Arbeitseinsatz*) in agreement with the military commander as well as the Reich Commissar, will issue the corresponding decrees for execution." (*556-2-PS*)

Sauckel boasted to Hitler concerning the contribution of the forced labor program to the construction of the Atlantic Wall by Speer's Organization Todt (OT). In a letter to Hitler dated 17 May 1943, Sauckel wrote:

> "* * * In addition to the labor allotted to the total German economy by the Arbeitseinsatz since I took office, the Organization Todt was supplied with new labor continually.
>
> * * *
>
> "Thus, the Arbeitseinsatz has done everything to help make possible the completion of the Atlantic Wall." (*407-VIII-PS*)

Similarly, Russian civilians were forced into labor battalions and compelled to build fortifications to be used against their own countrymen. A memorandum of the Rosenberg Ministry states that:

> "* * * men and women in the theaters of operations have been and will be conscripted into labor battalions to be used in the construction of fortifications * * *." (*031-PS*)

In addition, the Nazi conspirators compelled Prisoners of War to engage in operations of war against their own country and its Allies. At a meeting of the Central Planning Board held on February 19, 1943, attended by Speer, Sauckel, and Field Marshal Milch, the following conversation occurred:

> "Sauckel: If any prisoners are taken, there, they will be needed.
>
> "Milch: We have made a request for an order that a certain percentage of men in the antiaircraft artillery must be Russians. 50,000 will be taken altogether; 30,000 are already employed as gunners. This is an amusing thing that Russians must work the guns." (*R-124*)

(At this point a series of official German Army photographs were offered in evidence. The first one shows Russian Prisoners of War acting as ammunition bearers during the attack upon Tschudowo. The second group consists of a series of official German Army photographs taken in July and August 1941 showing Russian prisoners of war in Latvia and the Ukraine being compelled to load and unload ammunition trains and trucks and being required to stack ammunition.)

This use of prisoners of war was in flagrant disregard of the rules of international law, particularly Article 6 of the Regulations annexed to Hague Convention Number 4 of 1907, which provides that the tasks of prisoners of war shall have no connection with the operations of war.

The Nazi conspirators made extensive use of prisoners of war not only in active operations of war but also in the German armament industry. A secret letter from the Reichminister of Labor to the Presidents of the Regional Labor Exchange Offices refers to an order of Goering to the effect that:

> "Upon personal order of the Reich Marshal, 100,000 men are to be taken from among the French PWs not yet employed in armament industry, and are to be assigned to the armament industry (airplanes industry). Gaps in manpower supply resulting therefrom will be filled by Soviet PWs. The transfer of the above-named French PWs is to be accomplished by 1 October." (*3005-PS*)

A similar policy was followed with respect to Russian prisoners of war. In a secret memorandum issued from Hitler's headquarters on 31 October 1942, Keitel directed the execution of Hitler's order to use such prisoners in the German war economy (*EC–194*):

> "The lack of workers is becoming an increasingly dangerous hindrance for the future German war and armament industry. The expected relief through discharges from the armed forces is uncertain as to the extent and date; however, its possible extent will by no means correspond to expectations and requirements in view of the great demand.
>
> "The Fuehrer has now ordered that even the working power of the Russian prisoner of war should be utilized to a large extent by large scale assignment for the requirements of the war industry. The prerequisite for production is adequate nourishment. Also very small wages are to be planned for the most modest supply with a few consumers' goods (*Genussmittel*) for every day's life, eventual rewards for production."
>
> * * * * * * *
>
> "II. *Construction and Armament Industry.*
>
> "*a.* Work units for constructions of all kind, particularly for the fortification of coastal defenses (concrete workers, unloading units for essential war plants).
>
> "*b.* Suitable armament factories which have to be selected in such a way that their personnel should consist in the majority of prisoners of war under guidance and supervision (eventually after withdrawal and other employment of the German workers).
>
> "III. *Other War Industries.*
>
> "*a.* Mining as under II *b.*
>
> "*b.* Railroad construction units for building tracks etc.
>
> "*c.* Agriculture and forestry in closed units. The utilization of Russian prisoners of war is to be regulated on the basis of above examples by:
>
> "To I. The armed forces
>
> "To II. The Reich Minister for Arms and Ammunition and the Inspector General for the German road system in agreement with the Reich Minister for Labor and Supreme Commander of the Armed Forces (*Wi Rue Amt*). Deputies of the Reich Minister for Arms and Ammunition are to be admitted to the prisoner of war camps to assist in the selection of skilled workers." (*EC–194*)

Goering, at a conference at the Air Ministry on 7 November 1941, also discussed the use of prisoners of war in the armament industry. The Top Secret notes on Goering's instructions as to the employment and treatment of prisoners of war in many phases of the German war industry read as follows (*1206–PS*):

> "The Fuehrer's point of view as to employment of prisoners of war in war industries has changed basically. So far a total of 5 million prisoners of war—employed so far 2 million."
>
> * * * * * * *
>
> "For 4) *In the Interior and the Protectorate,* it would be ideal if entire factories could be manned by Russian PW's except the employees necessary for direction. For employment in the Interior and the Protectorate the following are to have priority:
>
> "*a.* At the top *coal mining industry.*
>
> "Order by the Fuehrer to investigate all mines as to suitability for employment of Russians. At times manning the entire plant with Russian laborers.
>
> "*b. Transportation* (construction of locomotives and cars, repair shops).
>
> "Railroad-repair and industry workers are to be sought out from the PW's. Railroad is most important means of transportation in the East.
>
> "*c. Armament industries*
>
> "Preferably factories of armor and guns. Possibly also construction of parts for airplane engines. Suitable complete sections of factories to be manned exclusively by Russians. For the remainder employment in columns. Use in factories of tool machinery, production of farm tractors, generators, etc. In emergency, erect in individual places barracks for occasional workers which are used as unloading details and similar purposes. (Reich Minister of the Interior through communal authorities.)
>
> "OKW/AWA is competent for *transporting* Russian PW's employment through "*Planning Board for Employment of all PW's* (*Planstelle fuer den Einsatz fuer alle Kriegsgefangenen*). If necessary, offices of Reich Commissariates.
>
> "No employment where *danger to men* or their supply exists, i.e. factories exposed to explosives, waterworks, powerworks, etc. No contact with German population, especially no 'solidarity.' German worker as a rule is foreman of Russians.
>
> "Food is a matter of the Four Years' Plan. Supply their own food (cats, horses, etc.)
>
> "*Clothes, billeting, messing* somewhat better than at home where part of the people live in caverns.

> "*Supply of shoes* for Russians as a rule wooden shoes, if necessary install Russian shoe repair shops.
>
> "Examination of *physical fitness,* in order to avoid importation of diseases.
>
> "*Clearing of mines* as a rule by Russians if possible by selected Russian engineers." (*1206-PS*)

Speer also sponsored and applied the policy of using prisoners of war in the armament industry. In a speech to the Nazi Gauleiters on 24 February 1942, Speer said:

> "I therefore proposed to the Fuehrer at the end of December that all my labor force, including specialists be released for mass employment in the East. Subsequently the remaining PW's, about 10,000 were put at disposal of the armaments industry by me." (*1435-PS*)

Speer also reported at the 36th meeting of the Central Planning Board, held on 22 April 1943, that only 30% of the Russian prisoners of war were engaged in the armament industry. This he found unsatisfactory. Speer continued:

> "There is a specified statement showing in what sectors the Russian PW's have been distributed, and this statement is quite interesting. It shows that the armaments industry only received 30%. I always complained about this."
>
> * * * * * * *
>
> "The 90,000 Russian PW's employed in the whole of the armaments industry are for the greatest part skilled men." (*R-124*)

Sauckel, who was appointed Plenipotentiary General for the utilization of labor for the express purpose, among others, of integrating prisoners of war into the German war industry, made it plain that prisoners of war were to be compelled to serve the German armament industry. His labor mobilization program contains the following statement:

> "All prisoners of war, from the territories of the West as well as of the East, actually in Germany, must be completely incorporated into the German armament and nutrition industries. Their production must be brought to the highest possible level." (*016-PS*)

7. THE CONCENTRATION CAMP PROGRAM OF EXTERMINATION THROUGH WORK

A special Nazi program combined the brutality and the purposes of the slave labor program with those of the concentration camp. The Nazis placed Allied nationals in concentration camps and forced them, along with the other inmates of the concentration camps, to work in the armaments industry under conditions designed to exterminate them. This was the Nazi program of extermination through work.

The program was initiated in the spring of 1942. It was outlined as follows in a letter to Himmler, dated 30 April 1942, from his subordinate Pohl, SS Obergruppenfuehrer and General of the Waffen SS:

> "Today I report about the present situation of the concentration camps and about measures I have taken to carry out your order of the 3rd March 1942."
>
> * * * * * * *
>
> "1. The war has brought about a marked change in the structure of the concentration camps and has changed their duties with regard to the employment of the prisoners. The custody of prisoners for the sole reasons of security, education, or prevention is no longer the main consideration. The mobilization of all prisoners who are fit for work for purposes of the war now, and for purposes of construction in the forthcoming peace, come to the foreground more and more.
>
> "2. From this knowledge some necessary measures result with the aim to transform the concentration camps into organizations more suitable for the economic tasks, whilst they were formerly merely politically interested.
>
> "3. For this reason I have gathered together all the leaders of the former inspectorate of Concentration Camps, all Camp Commanders, and all managers and supervisors of work on the 23rd and 24th of April, 1942; I have explained personally to them this new development. I have compiled in the order attached the main essentials, which have to be brought into effect with the utmost urgency if the commencement of work for purposes of the armament industry is not to be delayed." (*R–129*)

The order referred to in paragraph 3 above set the framework for a program of relentless exploitation, providing in part as follows:

> "4. The camp commander alone is responsible for the employment of the labor available. This employment must be, in the true meaning of the word, exhaustive, in order to obtain the greatest measure of performance. Work is allotted by the Chief of the Department D centrally and alone. The camp-commanders themselves may not accept on their own initiative work offered by third parties and may not negotiate about it.
>
> "5. There is no limit to working hours. Their duration de-

> pends on the kind of working establishments in the camps and the kind of work to be done. They are fixed by the camp commanders alone.
>
> "6. Any circumstances which may result in a shortening of working hours (e.g. meals, roll-calls) have therefore to be restricted to the minimum which cannot be condensed any more. It is forbidden to allow long walks to the place of working and noon intervals only for eating purposes." (*R–129*)

This armaments production program was not merely a scheme for mobilizing the manpower potential of the camps. It was directly integrated into the larger Nazi program of extermination. A memorandum of an agreement between Himmler and the Minister of Justice, Thierack sets for the Nazi objective of extermination through work:

> "* * * 2. The delivery of anti-social elements from the execution of their sentence to the Reich Fuehrer of SS to be worked to death. Persons under protective arrest, Jews, Gypsies, Russians and Ukrainians, Poles with more than 3-year sentences, Czechs and Germans with more than 8-year sentences, according to the decision of the Reich Minister for Justice. First of all the worst anti-social elements amongst those just mentioned are to be handed over. I shall inform the Fuehrer of this through Reichsleiter Bormann."
>
> * * * * * * *
>
> "14. It is agreed that, in consideration of the intended aims of the Government for the clearing up of the Eastern problems, in future Jews, Poles, Gypsies, Russians and Ukrainians are no longer to be judged by the ordinary courts, so far as punishable offenses are concerned, but are to be dealt with by the Reich Fuehrer of SS. This does not apply to civil lawsuits, nor to Poles whose names are announced or entered in the German Racial Lists." (*654–PS*)

In September, 1942, Speer arranged to bring this new source of labor within his jurisdiction. Speer convinced Hitler that significant production could be obtained only if the concentration camp prisoners were employed in factories under the technical control of the Speer Ministry instead of in camps. In fact, without Speer's co-operation, it would have been difficult to utilize the prisoners on any large scale for war production since he would not allocate to Himmler the machine tools and other necessary equipment. Accordingly, it was agreed that the prisoners were to be exploited in factories under Speer's control. To compensate Himmler for surrendering this jurisdiction to Speer,

Speer proposed, and Hitler agreed, that Himmler would receive a share of the armaments output, fixed in relation to the man hours contributed by his prisoners. The minutes of Speer's conference with Hitler on 20, 21, 22 September 1942, are as follows (*R-124*):

> "* * * I pointed out to the Fuehrer that, apart from an insignificant amount of work, no possibility exists of organizing armament production in the concentration camps, because:
>
> "1. the machine tools required are missing,
>
> "2. there are no suitable premises.
>
> "Both these assets would be available in the armaments industry, if use could be made of them by a second shift.
>
> "The Fuehrer agrees to my proposal, that the numerous factories set up outside towns for ARP reasons, should release their workers for supplementing the second shift in town factories and should in return be supplied with labor from the concentration camps—also two shifts.
>
> "I pointed out to the Fuehrer the difficulties which I expect to encounter if Reichsfuehrer SS Himmler should be able, as he requests, to exercise authoritative influence over these factories. The Fuehrer, too, does not consider such an influence necessary.
>
> "The Fuehrer however agrees that Reichsfuehrer SS Himmler should draw advantages from making his prisoners available; he should get equipment for his division.
>
> "I suggest to give him a share in kind (war equipment) in ratio to the working hours done by his prisoners. A 3–5% share is discussed, the equipment also being calculated according to working hours. The Fuehrer would agree to such a solution.
>
> "The Fuehrer is prepared to order the additional delivery of this equipment and weapons to the SS, according to a list submitted to him." (*R-124*)

After a demand for concentration camp labor had been created, and a mechanism set up by Speer for exploiting this labor in armament factories, measures were evolved for increasing the supply of victims for extermination through work. A steady flow was assured by the agreement between Himmler and the Minister of Justice mentioned above. This was implemented by such programs as the following, expressed in Sauckel's letter of 26 November 1942 to Presidents of Landes Employment Offices regarding the program for the evacuation of Poles from the Lublin district:

> "The Poles who are to be evacuated as a result of this measure will be put into concentration camps and put to work where they are criminal or asocial elements." (*L–61*)

General measures were supplemented by special drives for persons who would not otherwise have been sent to concentration camps. For example, for "reasons of war necessity" Himmler ordered on 17 December 1942 that at least 35,000 prisoners qualified for work should be transferred immediately to concentration camps, (*1063–D–PS*). The order provided that:

> "For reasons of war necessity not to be discussed further here, the Reichsfuehrer SS and Chief of the German Police on 14 December 1942 has ordered that until the end of January 1943, at least 35,000 prisoners qualified for work, are to be sent to the concentration camps. In order to reach this number, the following measures are required:
>
> "1. As of now (so far until 1 Feb. 1943) all eastern workers or such foreign workers who have been fugitives, or who have broken contracts, and who do not belong to allied, friendly or neutral States are to be brought by the quickest means to the nearest concentration camps * * *.
>
> "2. The commanders and the commandants of the security police and the security service, and the chiefs of the State Police Headquarters will check immediately on the basis of a close and strict ruling
>
> *a.* the prisons
> *b.* the labor reformatory camps
>
> "All prisoners qualified for work, if it is essentially and humanly possible, will be committed at once to the nearest concentration camp, according to the following instructions, for instance also if penal procedures were to be established in the near future. Only such prisoners who in the interest of investigation procedures are to remain absolutely in solitary confinement can be left there.
>
> "*Every single laborer counts!*" (*1063–D–PS*)

Measures were also adopted to insure that extermination through work was practiced with maximum efficiency. Subsidiary concentration camps were established near important war plants. Speer has admitted that he personally toured Upper Austria and selected sites for concentration camps near various munitions factories in the area. This admission appears in the transcript of an interrogation of Speer under oath on 18 October 1945, in which Speer stated:

> "The fact that we were anxious to use workers from concentration camps in factories and to establish small concentra-

> tion camps near the factories in order to use the manpower that was available there was a general fact. But it did not only come up in connection with this trip." [i.e. Speer's trip to Austria]. (*3720–PS*)

Goering endorsed this use of concentration camp labor and asked for more. In a teletype which Goering sent to Himmler on 14 February 1944, he stated:

> "At the same time I ask you to put at my disposal as great a number of concentration camp (KZ–) convicts as possible for air armament, as this kind of manpower proved to be very useful according to previous experience. The situation of the air war makes subterranean·transfer of industry necessary. For work of this kind concentration camp (KZ–) convicts can be especially well concentrated at work and in the camp." (*1584–I–PS*)

Speer subsequently assumed responsibility for this program, and Hitler promised Speer that if the necessary labor for the program could not be obtained, a hundred thousand Hungarian Jews would be brought in by the SS. Speer's record of conferences with Hitler on April 6 and 7, 1944, contain the following quotation:

> "* * * Suggested to the Fuehrer that, due to lack of builders and equipment, the second big building project should not be set up in German territory, but in close vicinity to the border on suitable soil (preferable on gravel base and with transport facilities) on French, Belgian or Dutch territory. The Fuehrer agrees to this suggestion if the works could be set up behind a fortified zone. For the suggestion of setting this plant up in French territory speaks mainly the fact that it would be much easier to procure the necessary workers. Nevertheless, the Fuehrer asks an attempt be made to set up the second works in a safer area, namely in the Protectorate. If it should prove impossible there, too, to get hold of the necessary workers, the Fuehrer himself will contact the Reichsfuehrer SS and will give an order that the required 100,000 men are to be made available by bringing in Jews from Hungary. Stressing the fact that the building organization of the *Industriegemeinschaft Schlesien Silesia* was a failure, the Fuehrer demands that these works must be built by the O.T. exclusively and that the workers should be made available by the Reichsfuehrer SS. He wants to hold a meeting shortly in order to discuss details with all the men concerned." (*R–124*)

CHAPTER X

The character of the treatment inflicted on Allied nationals and other victims of concentration camps while they were being worked to death is described in an official report prepared by a U.S. Congressional Committee which inspected the liberated camps at the request of General Eisenhower (*L–159*). The report states in part:

> "* * * The treatment accorded to these prisoners in the concentration camps was generally as follows: They were herded together in some wooden barracks not large enough for one-tenth of their number. They were forced to sleep on wooden frames covered with wooden boards in tiers of two, three and even four, sometimes with no covering, sometimes with a bundle of dirty rags serving both as pallet and coverlet.
>
> "Their food consisted generally of about one-half of a pound of black bread per day and a bowl of watery soup for noon and night, and not always that. Owing to the great numbers crowded into a small space and to the lack of adequate sustenance, lice and vermin multiplied, disease became rampant, and those who did not soon die of disease or torture began the long, slow process of starvation. Notwithstanding the deliberate starvation program inflicted upon these prisoners by lack of adequate food, we found no evidence that the people of Germany as a whole were suffering from any lack of sufficient food or clothing. The contrast was so striking that the only conclusion which we could reach was that the starvation of the inmates of these camps was deliberate.
>
> "Upon entrance into these camps, newcomers were forced to work either at an adjoining war factory or were placed 'in commando' on various jobs in the vicinity, being returned each night to their stall in the barracks. Generally a German criminal was placed in charge of each 'block' or shed in which the prisoners slept. Periodically he would choose the one prisoner of his block who seemed the most alert or intelligent or showed the most leadership qualities. These would report to the guards' room and would never be heard from again. The generally-accepted belief of the prisoners was that these were shot or gassed or hanged and then cremated. A refusal to work or an infraction of the rules usually meant flogging and other types of torture, such as having the fingernails pulled out, and in each case usually ended in death after extensive suffering. The policies herein described con-

> stituted a calculated and diabolical program of planned torture and extermination on the part of those who were in control of the German Government * * *."
>
> * * * * * * *
>
> "On the whole, we found this camp to have been operated and administered much in the same manner as Buchenwald had been operated and managed. When the efficiency of the workers decreased as a result of the conditions under which they were required to live, their rations were decreased as punishment. This brought about a vicious circle in which the weak became weaker and were ultimately exterminated." (*L–159*)

Such was the cycle of work, torture, starvation and death for concentration camp labor—labor which Goering, while requesting that more of it be placed at his disposal, said had proved very useful; labor which Speer was "anxious" to use in the factories under his control.

8. THE SPECIAL RESPONSIBILITY OF SAUCKEL

Saunckel bears special responsibility for the Nazi slave labor program and the manner in which it was executed. Sauckel was appointed as Plenipotentiary General for Manpower because he was an old and trusted Nazi. He has certified, on 17 November 1945, that he held the following positions:

> "1. Member of *Nationalsozialistischen Deutschen Arbeiterpartei* (1925–1945). (Member of National Socialist German Workers Party. Member No. 1395.)
>
> 2. Member of Reichstag (*Mitglied des Reichstags*) (1933–1945).
>
> 3. Gauleiter of Thuringia (1927–1945).
>
> 4. Member of Thuringian legislature (*Landtag*) (1927–1933/34).
>
> 5. Minister of Interior and head of Thuringian State Ministry (May 1933).
>
> 6. *Reichsstatthalter* for Thuringia (1933–1945).
>
> 7. SA Obergruppenfuehrer (November 1937–1945).
>
> 8. SS Obergruppenfuehrer (January 1942–1945).
>
> 9. Administrator Berlin-Suhler Waffen & Fahrzeugwerke (1935).
>
> 10. Head of Gustloff-Werke Nationalsozialistische Industrie-Stiftung (1936). Honorary Head of Foundation.

> 11. General Plenipotentiary for Labor Allocation (*Generalbevollmaechtigter fuer den Arbeitseinsatz*) (21 March 1942-1945)." (*2974-PS*)

Sauckel's official responsibilities are borne out by other evidence. His appointment as Plenipotentiary-General for Manpower was effected by a decree of 21 March 1942 signed by Hitler, Lammers, and Keitel. By that decree (*1666-PS*) Sauckel was given authority as well as responsibility subordinate only to that of Hitler and Goering for all matters relating to recruitment, allocation, and handling of foreign and domestic manpower. Goering, to whom Sauckel was directly responsible, abolished the recruitment and allocation agencies for the Four Year Plan, delegated their powers to Sauckel and placed his far-reaching authority, as deputy for the Four Year Plan, at Sauckel's disposal. This was the result of Goering's decree dated 27 March 1942 (*1666-PS*) and providing as follows:

> "In pursuance of the Fuehrer's Decree of 21 March 1942 (RGBl I, 179), I decree as follows:
>
> "1. My manpower sections (*Geschaeftsgruppen Arbeitseinsatz*) are hereby abolished (circular letter of 22 Oct 1936/St M. Dev. 265). Their duties (recruitment and allocation of manpower, regulations for labor conditions (*Arbeitsbedingungen*)) are taken over by the Plenipotentiary General for *Arbeitseinsatz,* who is directly under me.
>
> "2. The Plenipotentiary General for *Arbeitseinsatz* will be responsible for regulating the conditions of labor (wage policy) employed in the Reich Territory, having regard to the requirements of *Arbeitseinsatz.*
>
> "3. The Plenipotentiary General for *Arbeitseinsatz* is part of the Four Year Plan. In cases where new legislation is required, or existing laws required to be modified, he will submit appropriate proposals to me.
>
> "4. The Plenipotentiary General for *Arbeitseinsatz* will have at his disposal for the performance of his task the right delegated to me by the Fuehrer for issuing instructions to the higher Reich authorities, their branches and the Party offices, and their associated organisms and also the Reich Protector, the General-Governor, the Commander-in-Chief, and heads of the civil administrations. In the case of ordinances and instructions of fundamental importance a report is to be submitted to me in advance." (*1666-PS*)

By a Hitler decree of 30 September 1942 Sauckel was given extraordinary powers over the civil and military authorities of the territories occupied by Germany. The decree (*1903–PS*) provided as follows:

> "I herewith authorize the Deputy General for the *Arbeitseinsatz,* Reich-governor and district leader (Gauleiter) Fritz Saucke1 to take all necessary measures for the enforcement of my decree referring to a Deputy General for the *Arbeitseinsatz* of 21 March 1942 (*Reichsgesetzblatt,* I, page 179) according to his own judgment in the Greater German Reich, in the Protectorate, and in the Government General (*Generalgouvernement*) as well as in the occupied territories, measures which will safeguard under all circumstances the regulated deployment of labor (*Geordneter Arbeitseinsatz*) for the German war-economy. For this purpose he may appoint commissioners (*Beauftragte*) to the bureaux of the military and civilian administration. These are subordinated directly to Deputy General for the *Arbeitseinsatz.* In order to carry out their tasks, they are entitled to issue directives to the competent military and civilian authorities in charge of the *Arbeitseinsatz* and of wage-policy.
>
> "More detailed directives will be issued by the Deputy General for the *Arbeitseinsatz.*
>
> "Fuehrer-Headquarters, 30 Sept. 1942.
>
> "The Fuehrer
> "(signed) Adolph Hitler." (*1903–PS*)

Within a month after his appointment, Sauckel sent Rosenberg his "Labor Mobilization Program", which might more appropriately be termed Sauckel's "Charter of Enslavement." This program envisaged the forcible recruitment and the maximum exploitation of the entire labor resources of the conquered areas and of prisoners of war in the interests of the Nazi war machine, at the lowest conceivable degree of expenditure to the German State. Sauckel explained his plans in these terms:

> "It must be emphasized, however, that an additional tremendous number of foreign labor has to be found for the Reich. The greatest pool for that purpose are the occupied territories of the East. Consequently, it is an immediate necessity to use the human reserves of the Conquered Soviet Territory to the fullest extent. Should we not succeed in obtaining the necessary amount of labor on a voluntary basis, we must immediately institute conscription or forced labor.
>
> "Apart from the prisoners of war still in the occupied territories, we must, therefore, requisition skilled or unskilled

> male and female labor from the Soviet territory from the age of 15 up for the labor mobilization * * *."

* * * * * * *

> "The complete employment of all prisoners of war as well as the use of a gigantic number of new foreign civilian workers, men and women, has become an undisputable necessity for the solution of the mobilization of labor program in this war." (*016–PS*)

Sauckel proceeded to implement this "Charter of Enslavement" with certain basic directives. In Regulation No. 4, which he issued on 7 May 1942, Sauckel provided that if voluntary recruitment of foreign workers was unsuccessful, compulsory service should be instituted. This regulation provides:

> "The recruitment of foreign labor will be done on the fundamental basis of volunteering. Where, however, in the occupied territories the appeal for volunteers does not suffice, obligatory service and drafting must, under all circumstances, be resorted to. This is an indisputable requirement of our labor situation." (*3044–PS*)

Sauckel provided also for the allocation of foreign labor in the order of its importance to the Nazi war machine. Sauckel's regulation No. 10 of 22 August 1942 had these aims:

> "* * * 3. The resources of manpower that are available in the occupied territories are to be employed primarily to satisfy the requirements of importance for the war, in Germany itself. In allocating the said labor resources in the Occupied Territories, the following order of priority will be observed:
>
> "(*a*) Labor required for the troops, the occupation authorities, and the civil authorities;
>
> "(*b*) Labor required for the German armaments (*Ruestungen*);
>
> "(*c*) Labor required for food and agriculture;
>
> "(*d*) Labor required for industrial work other than armaments, which is in the interest of Germany;
>
> "(*e*) Labor required for industrial work in the interests of the population of the territory in question." (*3044–A–PS*)

Sauckel and agencies subordinate to him exercised exclusive authority over the recruitment of workers from every area in Europe occupied by, controlled by, or friendly to the German nation. Sauckel affirmed this authority in the following decree:

> "The recruitment of foreign labor in the areas occupied by Germany, in allied, friendly or neutral states will be carried

out exclusively by my commissioners, or by the competent German military or civil agencies for the tasks of labor mobilization."

* * * * * * *

"For the carrying out of recruitment in allied, friendly or neutral foreign countries, my commissioners are solely responsible." (*3044–PS*)

Saucket participated in the formulation of overall labor requirements for Germany and assigned quotas to be filled by and with the assistance of the individuals and agencies mentioned above, with knowledge that force and brutality were the only means whereby his demands could be met. Thus, the Lammer's report states (*1292–PS*):

"1. A conference took place with the Fuehrer today which was attended by:

"The Plenipotentiary for the Employment of Labor Gauleiter Sauckel,

"The Secretary for Armament and War Production, Speer,

"The Chief of the Supreme Command of the Army, General Field Marshal Keitel, General Field Marshal Milch,

"The Acting Reich Minister for Food and Agriculture State Secretary Backe,

"The Minister of the Interior, Reichfuehrer SS Himmler, and myself.

(The Minister for Foreign Affairs and the Minister of National Economy had repeatedly asked to be permitted to participate prior to the Conference, but the Fuehrer did not wish their attendance.)

"The Fuehrer declared in his introductory remarks:

'I want a clear picture:

(1) How many workers are required for the maintenance of German War Economy?

(*a*) For the maintenance of present output?

(*b*) To increase its output?

(2) How many workers can be obtained from Occupied Countries, or how many can still be gained in the Reich by suitable means (increased output)? For one thing, it is this matter of making up for losses by death, infirmity, the constant fluctuation of workers, and so forth, and further it is a matter of procuring additional workers.'

"The Plenipotentiary for the Employment of Labor, Sauckel, declared that, in order to maintain the present pool of workers, he would have to add at least 2½ but probably 3 million new workers in 1944. Otherwise production would fall off. Reichsminister Speer declared that he needs an additional 1.3 million laborers. However, this would depend on whether it will be possible to increase production of iron ore. Should this not be possible, he would need no additional workers. Procurement of additional workers from Occupied Territory would, however, be subject to the condition that these workers will not be withdrawn from armament and auxiliary industries already working there. For this would mean a decrease of production of these industries which he could not tolerate. Those, for instance, who are already working in France in industries mentioned above, must be protected against being sent to work in Germany by the Plenipotentiary for the Employment of Labor. The Fuehrer agreed with the opinions of Reichsminister Speer and emphasized that the measures taken by the Plenipotentiary for the Employment of Labor should order no circumstances which would lead to the withdrawal of workers from armament and auxiliary industries working in occupied territories, because such a shift of workers would only cause disturbance of production in occupied countries.

"The Fuehrer further called attention to the fact that at least 250,000 laborers will be required for preparations against air attacks in the field of civilian air raid protection. For Vienna alone, 2,000–2,500 are required immediately. The Plenipotentiary for the Employment of Labor must add at least 4 million workers to the manpower pool, considering that he requires 2½ million workers for maintenance of the present level, that Reich Minister Speer needs 1.3 million additional workers, and that the above-mentioned preparations for security measures against air attacks call for 0.25 million laborers."

* * * * * * *

"The Reichsfuehrer SS explained that the enforcement agents put at his disposal are extremely few, but that he would try helping the Sauckel project to succeed by increasing them and working them harder. The Reichsfuehrer SS made immediately available 2,000 to 2,500 men from concentration camps for air raid preparations in Vienna."

* * * * * * *

"*Results of the Conference:*

"(1) The Plenipotentiary for Employment of Labor shall

> procure at least 4 million new workers from occupied territories." (*1292-PS*)

Moreover, Sauckel, in requesting the assistance of the Army for the recruitment of 1,000,000 men and women from the occupied Eastern territories, informed Keitel that prompt action was required; and that, as in all other occupied countries, pressure had to be used if other measures were not successful (*3012-PS*). Finally, Sauckel was informed by Rosenberg that the enslavement of foreign labor was achieved by force and brutality (*018-PS*). Notwithstanding his knowledge of conditions, Sauckel continued to request greater supplies of manpower from the areas in which the most ruthless methods had been applied. Indeed, when German Field Commanders on the Eastern Front attempted to resist Sauckel's demands, because forced recruitment was swelling the ranks of the partisans and making the army's task more difficult, Sauckel sent a telegram to Hitler, dated 10 March 1943, in which he implored him to intervene:

> "Therefore, my Fuehrer, I ask you to abolish all orders which oppose the obligation of foreign workers for labor * * *."

* * * * * * *

> "If the obligation for labor and the forced recruiting of workers in the East is not possible any more, then the German war industry and agriculture cannot fulfill their tasks to the full extent." (*407-II-PS*)

In addition to being responsible for the recruitment of foreign civilian labor by force, Sauckel was responsible for the conditions under which foreign workers were deported to Germany and for the treatment to which they were subjected within Germany. The conditions under which Sauckel's slaves were transported to Germany, were known to Sauckel (*2241-PS*). Moreover, he accepted responsibility for these conditions. Regulation Number 4 of 7 May 1942, issued by Sauckel as Plenipotentiary General for the Mobilization of Labor, deals with recruitment, care, lodging, feeding, and treatment of foreign workers of both sexes (*3044-PS*). By this decree, Sauckel expressly directed that the assembly and operation of rail transports and the supplying of food therefor was the responsibility of his agents until the transports arrived in Germany. By the same regulation, Sauckel directed that within Germany the care of foreign industrial workers was to be carried out by the German Labor Front and that care of foreign agricultural workers was to be carried out by the Reich Food Administration. By the terms of the regulation, Sauckel reserved for himself ultimate responsibility for all aspects of care, treatment, lodging, and feeding of foreign workers while in transit to and within Germany. The regulation reads (*3044-PS*):

> "The care of foreign labor will be carried out.
>
> "*a.* up to the Reichs border
>
> "by my commissioners or—in the occupied areas by the competent military or civil labor mobilization agencies. Care of the labor will be carried out in cooperation with the respective competent foreign organization.
>
> "*b.* Within the area of the Reich
>
> "1. By the German Labor Front in the cases of non-agricultural workers.
>
> "2. By the Reich Food administration in the case of agricultural workers.
>
> "The German Labor Front and the German Food Administration are bound by my directives in the carrying out of their tasks of caring for the workers.
>
> "The agencies of the labor mobilization administration are to give far-reaching support to the German Labor Front and the German Food Administration in the fulfillment of their assigned tasks.
>
> "My competence for the execution of the care of foreign labor is not prejudiced by the assignment of these tasks to the German Labor Front and the Reichs Food Administration."

* * * * * * *

> "*b.* Composition and operation of the transports.
>
> "The composition and operations of the transports up to the place of work is the task of my representatives, in the occupied territories of the labor mobilization agencies of the military and civil administration. In the countries in which foreign representatives are to direct the transports up to the frontier, the German recruiting agency must take part in the supervision and care of the transports."

* * * * * * *

> "*c.* Supply for the Transports.
>
> "The food supply for the industrial workers in transit within the Reich, is the duty of the (DAF) German workers front, office for labor mobilization.
>
> For the rest, my offices effect the supply for the transport." (*3044-PS*)

Sauckel, in an agreement with Ley, the head of the German Labor Front (DAF) dated 2 June 1943, again emphasized his ultimate responsibility by creating a central inspectorate charged with examining the working and living conditions of foreign workers, and reporting thereon to Sauckel's agency (*1913–PS*). The agreement reads in part as follows:

> "* * * 2. The Reichsleiter of the German Labor Front, Reichsorganisationleiter Dr. Ley, in collaboration with the Plenipotentiary General for the *Arbeitseinsatz,* Gauleiter Sauckel, will establish a 'central inspection' for the continuous supervision of all measures concerning the care of the foreign workers mentioned under 1. This will have the designation:
>
> 'Central inspection for care of foreign workers.'
>
> "The central inspection for the care of foreign workers exercises its functions upon directives and in the name of the Plenipotentiary General for the *Arbeitseinsatz* and of the Reichsleiter of the German Labor Front. In order to avoid all duplication of work, it will be its sole responsibility, to scrutinize all measures taken for the care of foreign workers employed in the factories and camps, also to remove immediately all defects discovered—as far as possible—on the spot and to issue the necessary instructions for this.
>
> "The authority of the Plenipotentiary General for the *Arbeitseinsatz* to empower the members of his staff and the presidents of the state employment offices to get direct information on the conditions regarding the employment of foreigners in the factories and camps, will remain untouched.
>
> "3. The central inspection for the care of foreign workers will be continuously in touch with the main office VI of the Plenipotentiary General for the *Arbeitseinsatz.* It will instruct the office on the general observations made and will make suggestions for changes, if that should become necessary.
>
> "4. The offices of the administration of the *Arbeitseinsatz* will be constantly informed by the 'central inspection for the care of foreign workers' of its observations, in particular immediately in each case in which action of State organizations seems to be necessary." (*1913–PS*)

Sauckel was also responsible for compelling citizens of the occupied countries against their will to manufacture implements of war for use in operations against their own country and its allies. These functions were included in the terms of Sauckel's appointment. (*1666–PS*)

In a series of reports to Hitler, Sauckel described how successful he had been in carrying out his program. One such report, dated 14 April 1943, states that in a single year Sauckel had incorporated 1,622,829 prisoners of war into the German economy:

> "My Fuehrer,
>
> * * * * * * *
>
> "1. After having been active as Plenipotentiary for *Arbeitseinsatz* for one year I have the honor to report to you that 3,638,056 new foreign workers have been added to the German war economy between April 1st. of the last year and March 31st of this year."
>
> * * * * * * *
>
> "Besides the foreign civilian workers another 1,622,829 prisoners of war are employed in the German economy." (*407–V–PS*).

A subsequent report dated 3 June 1943, states that 846,511 additional foreign laborers and prisoners of war were incorporated into the German war industry:

> "My Fuehrer:
>
> "1. I beg to be permitted to report to you on the situation of the *Arbeitseinsatz* for the first five months of 1943. For the first time the following number of new foreign laborers and prisoners of war were employed in the German war industry: * * * Total: 846,511". (*407–IX–PS*)

9. THE SPECIAL RESPONSIBILITY OF INDIVIDUAL CONSPIRATORS

In addition, the following conspirators who were informed by Sauckel of the quotas of foreign laborers which he required, collaborated with Sauckel and his agents in filling these quotas:

A. *Keitel, Chief of the OKW.*

The record of a telephone conversation of the Chief of the Economic Staff East of the German Army, dated 11 March 1943, reads in part as follows (*3012–PS*):

> "The plenipotentiary for the *Arbeitseinsatz,* Gauleiter Sauckel, points out to me in an urgent teletype, that the *Arbeitseinsatz* in German agriculture as well as all the most urgent armament programs, ordered by the Fuehrer, make the most rapid procurement of approx. 1 million women and men from the newly occupied territories an imperative necessity. For this purpose, Gauleiter Sauckel demands the shipment of 5,000 workers daily beginning 15 March, 10,000 workers male and female beginning 1 April from the newly occupied territories.
>
> "The daily quota of 5,000 (10,000) workers was distributed with the consent of the GBA as follows:

Reich Commissioner Ukraine daily 3,000 (6,000) workers.
Wl Jn South daily 1,000 (2,000) workers.
Wl Jn Center daily 500 (1,000) workers.
Commissioner General White Ruthenia daily 500 (1,000) workers.

"In consideration of the extraordinary losses of workers, which occurred in German war industry because of the developments of the past months, it is now necessary, that the recruiting of workers be taken up again everywhere with all emphasis. The tendency momentarily noticeable in that territory, to limit and/or entirely stop the Reich recruiting program is absolutely not bearable in view of this state of affairs. Gauleiter Sauckel, who is informed about these events, has because of this, turned immediately to General Fieldmarshal Keitel on 10 March 1943, in a teletype, and has emphasized on this occasion, that, as in all other occupied territories, there, where all other methods fail, by order of the Fuehrer a certain pressure must be used." (*3012–PS*)

Confirmation of Keitel's collaboration with Sauckel is also found in the transcript of an interrogation under oath of Sauckel held on the morning of 5 October 1945:

"Q. Was it necessary in order to accomplish the completion of the quotas given to have liaison with the OKW?

"A. I remember that the Fuehrer had given directives to Marshal Keitel, telling him that my task was a very important one, and I, too, have often conferred with Keitel after such discussions with the Fuehrer, when I asked him for his support.

"Q. It was his task to supervise the proper performance of the military commanders in the occupied countries in carrying out their missions, was it not?

"A. Yes, The Fuehrer had told me that he would inform the Chief of the OKW, and the Chief of the Reichs chancellery, as to these missions. The same applies to the Foreign Minister." (*3722–PS*)

B. *Alfred Rosenberg, Reichs Minister for the Occupied Eastern Territories.*

The following colloquy is taken from the transcript of an interrogation under oath of Alfred Rosenberg on the afternoon of 6 October 1945:

"Q. Isn't it a fact, that Sauckel would allocate to the various areas under your jurisdiction the number of persons to be obtained for labor purposes?

"A. Yes.

> "Q. And that thereafter, your agents would obtain that labor, in order to meet the quota which had been given; isn't that right?
>
> "A. Sauckel, normally, had very far-reaching desires, which one couldn't fulfill unless one looked very closely into the matter.
>
> "Q. Never mind about Sauckel's desires being far-reaching or not being far-reaching. That has nothing to do with it. You were given quotas for the areas over which you had jurisdiction, and it was up to you to meet that quota?
>
> "A. Yes; it was the responsibility of the administrative officials to receive this quota and to distribute the allotments over the districts in such a way, according to number and according to the age groups, so they would be most reasonably met.
>
> "Q. These administrative officials were part of your organization, isn't that right?
>
> "A. They were functionaries or officials of the Reichskommissar for the Ukraine, but, as such, they were placed in their office by the Ministry for the Eastern Occupied Territories." (*3719–PS*)

Corroboration is to be found in letters written by Sauckel to Rosenberg requesting the latter's assistance in the recruitment of additional foreign laborers. (*017–PS; 019–PS*)

C. *Seyss-Inquart, Reichscommissar for the Occupied Netherlands.*

The transcript of an interrogation under oath of Sauckel on the morning of 5 October 1945, reads in part, as follows:

> "Q. For a moment, I want to turn our attention to Holland. It is my understanding that the quotas for the workers from Holland were agreed upon, and then the numbers given to the Reichskommissar Seyss-Inquart to fulfill, is that correct?
>
> "A. Yes, that is correct.
>
> "Q. After the quota was given to Seyss-Inquart, it was his mission to fulfill it with the aid of your representatives; was it not?
>
> "A. Yes. This was the only possible thing for me to do and the same applied to other countries." (*3722–PS*)

D. *Frank, Governor General of the Government-General of Poland.*

The transcript of interrogation under oath of Sauckel on the morning of 5 October 1945 reveals the part played by Frank:

> "Q. Was the same procedure substantially followed of allocating quotas in the General Government Poland?
>
> "A. Yes. I have to basically state again that the only possibility I had in carrying through these missions was to get in touch with the highest German military authority in the respective country and to transfer to them the orders of the Fuehrer and ask them very urgently, as I have always done, to fulfill these orders.
>
> "Q. Such discussions in Poland, of course, were with the General Governor Frank?
>
> "A. Yes. I spent a morning and afternoon in Krakov twice or three times, and I personally spoke to General Governor Frank. Naturally, there was also present Secretary Dr. Goebble." (*3722–PS*)

E. *The SS, as in all matters involving the use of force and brutality, extended its assistance.*

This is clearly indicated in Reichschancellor Lammers' report of a conference with Hitler attended by, among others, Sauckel, Speer, and Himmler (the Reichsfuehrer SS). The conference proceeded as follows:

> "The Plenipotentiary for Employment of Labor, Sauckel, declared that he will attempt with fanatical determination to obtain these workers. Until now, he has always kept his promises as to the number of workers to be furnished. With the best of intentions, however, he is unable to make a definite promise for 1944. He will do everything in his powers to furnish the requested manpower in 1944. Whether it will succeed depends primarily on what *German* enforcement agents will be made available. His project cannot be carried out with domestic enforcement agents. The Reichsfuehrer SS explained that the enforcement agents put at his disposal are extremely few, but that he would try helping the Sauckel project to succeed by increasing them and working them harder." (*1292–PS*)

10. THE SPECIAL RESPONSIBILITY OF SPEER

The use of prisoners of war in the manufacture of arms and munitions, allocated thereto by Sauckel, was confirmed by Speer. Speer stated in an interrogation under oath on 18 October 1945 that 40% of all prisoners of war were employed in the production of weapons and munitions and in subsidiary industries:

> "* * * A. In the last phase of production, that is, in the year 1944 when everything collapsed, I had 40% of all

> prisoners of war employed in the production. I wanted to have this percentage increased.
>
> "Q. And when you say employed in the production, you mean in these subsidiary industries that you have discussed and also in the production of weapons and munitions, is that right?
>
> "A. Yes. That is the total extent of my task." (*3720–PS*)

The minutes of the 36th Meeting of the Central Planning Board, of 22 April 1943, report Speer's statement that:

> "* * * 90,000 Russian prisoners of war employed in the whole of the armament industry are for the greatest part skilled men." (*R–124*)

Speer actively participated in the planning and execution of the vast program of forcible deportation and enslavement of the citizens of the occupied countries. As Reich Minister of Armaments and Munitions and Chief of the Organization Todt, both of which positions he acquired on 15 February 1942, and by virtue of his later acquisition of control over the armament offices of the Army, Navy and Airforce and the production offices of the Ministry of Economics, Speer was responsible for the entire war production of the Reich, as well as for the construction of fortifications and installations for the *Wehrmacht*. Proof of the positions held by Speer is supplied by his signed statement. (*2980–PS*)

The industries under Speer's control were the most important users of manpower in Germany. According to Sauckel, Speer's labor requirements received unconditional priority over all other demands for labor. In an interrogation under oath on 22nd September 1945, Sauckel stated:

> "The others I only got whatever was left. Because Speer told me once in the presence of the Fuehrer that I am here to work for Speer and that mainly I am his man." (*3721–PS*)

Speer has admitted under oath that he participated in the discussions during which the decision to use foreign forced labor was made, that he concurred in the decision, and that it was the basis for the program of bringing foreign workers into Germany by compulsion. The transcript of the interrogation under oath of Speer, on 18 October 1945, contains the following colloquy:

> "Q. But is it clear to you Mr. Speer, that in 1942 when the decisions were being taken concerning the use of forced foreign labor that you participated in the discussions yourself?
>
> "A. Yes.
>
> "Q. So that I take it that the execution of the program of

> bringing foreign workers into Germany by compulsion under Sauckel was based on earlier decisions that had been taken with your agreement?
>
> "A. Yes, but I must point out that only a very small part of the manpower that Sauckel brought into Germany was made available to me; a far larger part of it was allocated to other departments that demanded them." (*3720-PS*)

This admission is confirmed by minutes of Speer's conferences with Hitler on 10, 11, and 12 August 1942 (*R-124*). In these meetings Speer related the outcome of negotiations concerning the forcible recruitment of a million Russian laborers for the German armaments industry, and stated that Hitler would agree to any necessary compulsion.

The use of force was again discussed by Hitler and Speer on 4 January 1943. It was decided that stronger measures were to be used to accelerate the conscription of French civilian workers. (*556-13-PS*).

Speer demanded foreign workers for the industries under his control and used these workers with the knowledge that they had been deported by force and were being compelled to work. Speer has stated under oath, in an interrogation on 18 October 1945 that:

> "I do not wish to give the impression that I want to deny the fact that I demanded manpower and foreign manpower from Sauckel very energetically." (*3720-PS*)

Speer also admitted, in the course of the same interrogation, that he knew he was obtaining foreign labor, a large part of which was forced labor:

> "Q. So that during the period when you were asking for labor, it seems clear, does it not, that you knew that you were obtaining foreign labor as well as domestic labor in response to your requests and that a large part of the foreign labor was forced labor.
>
> "A. Yes.
>
> "Q. So that, simply by way of illustration, suppose that on January 1, 1944 you required 50,000 workers for a given purpose, would you put in a requisition for 50,000 workers, knowing that in that 50,000 there would be forced foreign workers?
>
> "A. Yes." (*3720-PS*)

Speer has furthermore stated under oath that he knew at least as early as September 1942 that workers from the Ukraine were being forcibly deported for labor in Germany. He also knew that the great majority of the workers of the Western occupied countries were slave laborers forced against their will to come to Germany. These facts are revealed in his interrogation under oath on 18 October 1945:

> "Q. When did you first find out then that some of the manpower from the Ukraine was not coming voluntarily?
>
> "A. It is rather difficult to answer this here, that is, to name a certain date to you. However, it is certain that I knew that at some particular point of time that the manpower from the Ukraine did not come voluntarily.
>
> "Q. And does that apply also to the manpower from other occupied countries, that is, did there come a time when you knew that they were not coming voluntarily?
>
> "A. Yes.
>
> "Q. When, in general, would you say that time was, without placing a particular month of the year?
>
> "A. As far as the Ukraine situation goes, I believe that they did not come voluntarily any more after a few months, because immense mistakes were made in their treatment by us. I should say offhand that this time was either in July, August or September of 1942.
>
> * * * * * * *
>
> "Q. But many workers did come from the West, did they not, to Germany?
>
> "A. Yes.
>
> "Q. That means then that the great majority of the workers that came from the Western countries, the Western occupied countries, came against their will to Germany.
>
> "A. Yes." (*3720-PS*)

This admission is borne out by other evidence. In April 1943 Speer was informed at a meeting of the Central Planning Board, that in all countries conscription for work in Germany could be carried out only with the active assistance of the police, and that the prevailing methods of recruitment had provoked such violence that many German recruiting agents had been killed (*R-124*). Again, at a meeting with Hitler to discuss overall manpower requirements for 1944, Speer was informed by Sauckel that labor requirements for the German war economy (including Speer's requirements of 1,300,000 additional laborers) could be met only if German enforcement agents were furnished to carry out the enslavement program in the occupied countries. (*1292-PS*)

Notwithstanding his knowledge that foreign workers were being conscripted and deported for use as slave laborers in Germany, Speer formulated requirements for the foreign workers and requested their allocation to industries subject to his control.

At another meeting of the Central Planning Board, Speer stated:

> "*Speer:* Now, the labor problem in Germany. I believe it is still possible to transfer some from the western territories. The Fuehrer stated only recently he wishes to dissolve these foreign volunteers as he had the impression that the army groups were carting around with them a lot of ballast. Therefore, if we cannot settle this matter ourselves, we shall have to call a meeting with the Fuehrer to clear up the coal situation. Keitel and Zeitzler will be invited to attend in order to determine the number of Russians from the rear army territories who can be sent to us. However, I see another possibility; we might organize another drive to screen out workers for the mines from the Russian Ps/W in the Reich. But this possibility is none too promising." (*R–124*)

At another meeting of the Central Planning Board, Speer rejected a suggestion that labor for industries under his control be furnished from German sources instead of from foreign countries, for these reasons:

> "*Speer:* We do it that way: Kehrl collects the demands for labor necessary to complete the coal-and-iron-plan and communicates the numbers to Sauckel. Probably there will be a conference at the Reich Marshal's in the next week, and an answer from Sauckel should have arrived by then. The question of recruitment for the armaments industry will be solved together with Weger.
>
> "*Kehrl:* I wish to urge that the allotments to the mines should not be made dependent on the recruitment of men abroad. We were completely frustrated these last three months because this principle had been applied. We ended December with a deficit of 25,000 and we never get replacements. The number must be made up by men from Germany.
>
> "*Speer:* No, nothing doing!" (*R–124*)

Speer also advocated terror and brutality as a means of maximizing production by slave laborers who worked in the industries under his control. In the course of a discussion concerning the supply and exploitation of labor, Speer stated:

> "*Speer:* We must also discuss the slackers. Ley has ascertained that the sick list decreased to one fourth or one fifth in factories where doctors are on the staff who are examining the sick men. There is nothing to be said against SS and Police taking drastic steps and putting those known as slackers into concentration camps. There is no alternative. Let it happen several times and the news will soon go round." (*R–124*)

Speer is also guilty of compelling Allied nationals and prisoners of war to engage not only in the production of armaments and munitions, but also in direct military operations, against their own country and its actively resisting allies. Speer, as Chief of the Organization Todt, is accountable for its policies which were in direct conflict with the laws of war. The Organization Todt, in violation of the laws of war, impressed allied nationals into its service. Proof of its activity is furnished by an International Labor Office Study of Exploitation of Foreign Labor by Germany:

> "The methods used for the recruitment of foreign workers who were destined for employment in the Organization did not greatly differ from the methods used for the recruitment of foreigners for deportation to Germany. The main difference was that, since the principal activities of the Organization lay outside the frontiers of Germany, foreigners were not transported to Germany, but had either to work in their own country or in some other occupied territory.
>
> "In the recruitment drives for foreign workers for the Organization methods of compulsion as well as methods of persuasion were used, the latter usually with very little result * * *." (*L–191*)

Similar violations of the laws of warfare are disclosed in (*407–VIII–PS*).

As Chief of German war production, Speer sponsored and approved the use of prisoners of war in the production of armaments and munitions which were used against their own country and its actively resisting allies. This fact has been demonstrated by the evidence already discussed. To recapitulate:

1. After Speer assumed responsibility for armament production, his primary concern in his discussions with his co-conspirators was to secure a larger allocation of prisoners of war for his armament factories. In a meeting of the Central Planning Board on 22 April 1943, Speer complained that only 30% of the Russian prisoners of war were engaged in the armament industry. (*R–124*)

2. In an earlier speech, Speer stated that 10,000 prisoners of war were put at the disposal of the armaments industry upon his orders. (*1435–PS*)

3. Finally, Speer advocated returning escaped prisoners of war to factories as convicts. He said, at a meeting of the Central Planning Board:

> "We have to come to an arrangement with the Reichsfuehrer SS as soon as possible so that prisoners of war he picks up

> are made available for our purposes. The Reichsfuehrer SS gets from 30 to 40,000 men per month. First of all they have to be divided up. From what classes do these people come, anyhow? There certainly is a certain percentage of miners among these people who are picked up. These few thousand men have to go to the mines automatically. Certainly, some educational work has to be done. The men should be put into the factories as convicts. But they have to return to the factories where they were before * * *." (*R–124*)

Speer is also guilty of having approved and sponsored the program for using concentration camp labor in Nazi armament factories, which was part of the larger program of extermination through work. The proof of this activity may be summarized and supplemented as follows:

1. Speer proposed measures for the exploitation of the concentration camp labor in armament factories under his jurisdiction. At a meeting with Hitler Speer proposed and Hitler agreed that armament production should not be established within concentration camps but that concentration camp labor should be made available to established armament factories. (*R–124*)

2. Speer, by arranging for the use of concentration camp laborers in factories under his control, created an increasing demand for such labor. This demand was filled in part by placing in concentration camps persons who would not ordinarily have been sent there. (*1063–D–PS*)

3. Speer participated in the exploitation of the victims of the Nazi program of extermination through work. He personally selected sites for subsidiary concentration camps which were established near factories in Upper Austria, and knew and approved of the general practice of locating concentration camps near industrial plants which they supplied with labor (Speer's interrogation under oath on 18 October 1945. (*3720–PS*)

Speer visited the concentration camp Mauthaussen and factories such as those of Krupp, where concentration camp labor was exploited under barbarous conditions. Despite personal and first-hand knowledge of these conditions, Speer continued to direct the use of concentration camp labor in factories under his jurisdiction. In Speer's interrogation under oath on 18 October 1945, he stated:

> "Q. But, in general, the use of concentration camp labor was known to you and approved by you as a source of labor?
>
> "A. Yes.
>
> "Q. And you knew also, I take it, that among the inmates of the concentration camps there were both Germans and foreigners?

"A. I didn't think about it at that time.

"Q. As a matter of fact you visited the Austrian concentration camp personally, did you not?"

"A. I didn't—well I was in Mauthaussen once but at that time I was not told just to what categories the inmates of the concentration camps belonged.

"Q. But in general everybody knew, did they not, that foreigners who were taken away by the Gestapo, or arrested by the Gestapo, as well as Germans, found their way into the concentration camps?

"A. Of course, yes. I didn't mean to imply anything like that."

* * * * * * *

"Q. Did you ever discuss, by the way, the requirements of Krupp for foreign labor?

"A. It is certain that it was reported to me what Krupp had in foreign workers.

"Q. Did you ever discuss it with any of the members of the Krupp first?

"A. I cannot say that exactly, but during the time of my activities I visited the Krupp factory more than once and it is certain that this was discussed, that is, the lack of manpower." *(3720-PS)*

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO THE SLAVE LABOR PROGRAM, THE ILLEGAL USE OF PRISONERS OF WAR, AND THE SPECIAL RESPONSIBILITY OF SAUCKEL AND SPEER THEREFOR

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6 (b, c)...	I	5
	International Military Tribunal, Indictment Number 1, Sections III; VIII (B, C, H); X; Appendix A..........................	I	15,39, 41,50, 53,57

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3737–PS	Hague Convention of 1907 respecting the Laws and Customs of War on Land, Annex, Articles 6, 46, 52	VI	590, 597, 598
3738–PS	Geneva Convention of 1929 relative to treatment of Prisoners of War, Articles 2, 3, 6	VI	600, 601
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*016–PS	Sauckel's Labor Mobilization Program, 20 April 1942. (USA 168)	III	46
*017–PS	Letter from Sauckel to Reichminister for the Occupied Eastern Territories, 5 October 1942, concerning mobilization of foreign labor forces. (USA 180)	III	60
*018–PS	Letter from Rosenberg to Sauckel, 21 December 1942, concerning labor in the East. (USA 186)	III	61
*019–PS	Letter from Sauckel to Rosenberg, 17 March 1943, concerning draft		

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	of workers from the East. (USA 181)...........................	III	65
*031–PS	Memorandum, 12 June 1944, concerning evacuation of youths from the territory of Army Group "Center", and interoffice memorandum, Ministry for Occupied Eastern Territories, 14 June 1944. (USA 171)...........................	III	71
*054–PS	Report to Reich Ministry for Occupied Eastern Territories, 7 October 1942, concerning treatment of Ukrainian Specialists. (USA 198)...........................	III	90
*084–PS	Interdepartmental report of Ministry for Occupied Eastern Territories, 30 September 1942, concerning status of Eastern laborers. (USA 199)......................	III	130
*204–PS	Memorandum of conference, 18 February 1944, concerning release of Indigenous Labor for purposes of the Reich. (USA 182)..........	III	215
*254–PS	Letter from Raab to Reichminister for Occupied Eastern Territories, 7 June 1944, concerning burning of houses in Wassilkow district. (USA 188)..............	III	231
*265–PS	Memorandum of oral report by Lyser to Rosenberg, 30 June 1943, on situation in district Shitomir. (USA 191)......................	III	234
*290–PS	Letter from Rosenberg Ministry, 12 November 1943, concerning burning of houses in Mueller's district. (USA 189)................	III	240
*294–PS	Top secret memorandum signed by Brautigam, 25 October 1942,		

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	concerning conditions in Russia. (USA 185)	III	242
*407–II–PS	Letter from Sauckel to Hitler, 10 March 1943, concerning difficulty in recruiting of workers in former Soviet territories. (USA 226)	III	389
*407–V and VI–PS	Letter from Sauckel to Hitler, 15 April 1943, concerning labor questions. (USA 209; USA 228)	III	391
*407–VIII–PS	Telegram from Sauckel to Hitler, 17 May 1943, concerning foreign labor. (USA 210)	III	394
*407–IX–PS	Letter from Sauckel to Hitler, 3 June 1943, concerning foreign labor situation. (USA 229)	III	395
*556–2–PS	Order initialled by Keitel, 8 September 1942, for civilians to work on "West Wall". (USA 194)	III	443
*556–13–PS	Sauckel note for the files, 5 January 1943. (USA 194)	III	444
*654–PS	Thierack's notes, 18 September 1942, on discussion with Himmler concerning delivery of Jews to Himmler for extermination through work. (USA 218)	III	467
*1063–D–PS	Mueller's order, 17 December 1942, concerning prisoners qualified for work to be sent to concentration camps. (USA 219)	III	778
*1130–PS	Note, 11 April 1943, and report of speech by Koch in Kiev on 5 March 1943, concerning treatment of civilian population in Ukraine. (USA 169)	III	797
*1206–PS	Notes of Goering's remarks at the Air Ministry, 7 November 1941, concerning employment of laborers in war industries. (USA 215)	III	841

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*1292–PS	Memorandum of conference with Hitler, 4 January 1944, concerning allocation of labor, 1944. (USA 225)	III	866
*1352–PS	Reports concerning the confiscation of Polish agricultural properties, 16 and 29 May 1940, signed Kusche. (USA 176)	III	916
*1375–PS	Letter from Frank to Goering, 25 January 1940. (USA 172)	III	925
1381–PS	Secret report of the Reich Ministry for the Occupied Eastern Territories on Political and Economic Situation in these Territories, December 1942	III	932
*1435–PS	Speech of Speer to Gauleiters, 24 February 1942. (USA 216)	IV	16
*1526–PS	Letter from Ukrainian Main Committee to Frank, February 1943. (USA 178)	IV	79
*1584–I–PS	Teletype from Goering to Himmler, 14 February 1944, concerning formation of 7th Airforce Group squadron for special purposes. (USA 221)	IV	117
*1666–PS	Decree appointing Sauckel General Plenipotentiary for Manpower, 21 March 1942 and decree of Goering conferring certain powers on Sauckel, 27 March 1942. 1942 Reichsgesetzblatt, Part I, pp. 179–180. (USA 208)	IV	182
*1702–PS	Report on evacuation of Kasatin November-December 1943. (USA 193)	IV	205
*1726–PS	Statement of Netherlands Government in view of Prosecution and punishment of the German Nazi War Criminals. (USA 195)	IV	227

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*1742–PS	Directives to Army Commands from Goering, 26 October 1942, concerning combatting of partisan activities. (USA 789)	IV	262
*1903–PS	Decree of Fuehrer on execution of decree concerning Deputy General for mobilization of labor. Decrees, Regulations, Announcements, Vol. II, p. 510. (USA 206)	IV	546
*1913–PS	Agreement between Plenipotentiary General for Arbeitseinsatz and German Labor Front concerning care of non-German workers. 1943 Reichsgesetzblatt, Part I, p. 588. (USA 227)	IV	547
*1919–PS	Himmler's speech to SS Gruppenfuehrers, 4 October 1943. (USA 170)	IV	558
*2220–PS	Lammers report to Himmler, 12 April 1943, concerning the situation in the Government General. (USA 175)	IV	855
*2233–A–PS	Frank Diary, Abteilungsleitersitzungen, 1939–1940. Minutes of conferences, December and May 1940. (USA 173)	IV	883
*2233–B–PS	Frank Diary. Tagebuch. 1940. Part I. January-March. (USA 174)	IV	885
*2241–PS	Sauckel Order, 20 July 1942, concerning employment of foreign labor forces in Germany. (USA 200)	IV	923
*2280–PS	Letter from Reichs Commissar for Ostland, 3 May 1943, concerning recruiting of manpower in Baltic Countries for Reich territories. (USA 183)	IV	969
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	proximate number of foreigners put to work for German War Effort in Old Reich. (USA 197)...	V	257
*2974-PS	Statement by Fritz Sauckel concerning positions held. (USA 15)..	V	680
*2980-PS	Statement of Albert Speer, concerning positions held. (USA 18)..	V	685
*3000-PS	Report, from Chief of Main Office III with the High Command in Minsk to Reicke, 28 June 1943, on experiences in political and economic problems in the East, particularly White Ruthenia. (USA 192).........................	V	726
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*3005-PS	Letter from Reich Labor Ministry to Presidents of Regional Labor Offices, 26 August 1941, concerning use of Russian PWs. (USA 213).........................	V	727
*3010-PS	Secret organization order from Economic Inspection South, 17 August 1943, concerning recruitment of Workers for the Reich. (USA 184).....................	V	728
*3012-PS	Order signed Christiansen, 19 March 1943, to all group leaders of Security Service, and record of telephone conversation signed by Stapj, 11 March 1943. (USA 190).	V	731
*3040-PS	Secret order of Reichsfuehrer SS, 20 February 1942, concerning commitment of manpower from the East. (USA 207)............	V	744
*3044-PS	Sauckel Order Number 4, 7 May 1942, published in Decrees, Regu-		

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	lations, Announcements. (USA 206)............................	V	756
3044–A–PS	Sauckel Order Number 10, 22 August 1942, published in Decrees, Regulations, Announcements......	V	764
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**3719–PS	Testimony of Alfred Rosenberg, 6 October 1945. (USA 187) (Referred to but not offered in evidence.)..........................	VI	436
*3720–PS	Testimony of Albert Speer, 18 October 1945. (USA 220)...........	VI	438
*3721–PS	Testimony of Fritz Sauckel, 22 September 1945. (USA 230)......	VI	458
*3722–PS	Testimony of Fritz Sauckel, 5 October 1945. (USA 224)...........	VI	459
*3787–PS	Report of the Second Meeting of the Reich Defense Council, 25 June 1939. (USA 782)................	VI	718
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*EC–68	Confidential letter from Minister of Finance and Economy, Baden,		

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*EC-194	Secret memorandum of Keitel concerning use of prisoners of war in the war industry, 31 October 1941. (USA 214)......................	VII	336
*L-61	Express letter from Sauckel to Presidents of Landes Employment Offices, 26 November 1942, concerning employment of Jews and exchange of Jews in essential employment against Polish labor. (USA 177)......................	VII	816
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Chapter XI

CONCENTRATION CAMPS

The Concentration Camp, used against the people of Germany and allied nationals, was one of the fundamental institutions of the Nazi regime. It was a pillar of the system of terror by which the Nazis consolidated their power over Germany. It was a primary weapon in the battle against the Jews, against the Christian church, against labor, against those who wanted peace, against opposition or non-conformity of any kind. It involved the systematic use of terror to achieve the cohesion within Germany which was necessary for the execution of the conspirators' plans for aggression. It was the final link in a chain of terror and repression which involved the SS and the Gestapo and which resulted in the apprehension of victims and their confinement without trial, often without charges, generally with no indication of the length of their detention.

The SS through its espionage system tracked down the victims; the criminal police and the Gestapo seized them and brought them to the concentration camps; and the concentration camps were administered by the SS. No attempt will be made to present a complete catalogue of individual brutalities. The emphasis will rather be upon the fundamental purposes for which these camps were used, the techniques of terror which were employed, the large number of their victims, and the death and anguish which they caused.

1. THE BEGINNING OF "PROTECTIVE CUSTODY"

The Nazis realized early that without the most drastic repression of actual and potential opposition they could not consolidate their power over the German people. Immediately after Hitler became Chancellor, the conspirators promptly destroyed civil liberties by issuing the Presidential Emergency Decree of 28 February 1933 (*1390-PS*). It was this decree which was the basis for "*Schutzhaft*", that is, "protective custody"—the power of the Gestapo to imprison people without judicial proceedings. This is made clear by a typical order for protective custody:

> "*Order of Protective Custody.* Based on Article 1 of the Decree of the Reich President for the Protection of People and State of 28 February 1933 (*Reichsgesetzblatt* I, p. 83), you are taken into protective custody in the interest of public security and order.
>
> "Reason: Suspicion of activities inimical toward the State." (*2499-PS*)

Goering, in a book entitled "*Aufbau Einer Nation*" and published in 1934, sought to give the impression that the camps originally were directed at those whom the Nazis considered "Communists" and "Social Democrats". At page 89 of this book he stated:

> "We had to deal ruthlessly with these enemies of the State. It must not be forgotten that at the moment of our seizure of power over 6 million people officially voted for Communism and about 8 million for Marxism in the Reichstag elections in March.
>
> "Thus the concentration camps were created, to which we had to send first thousands of functionaries of the Communist and Social Democratic parties." (*2324–PS*)

In practical operations, the power to order confinement was almost without limit: Frick, in an order which he issued on 25 January 1938, as Minister of Interior, made this clear. Article 1 of this order provided:

> "Protective custody can be decreed as a coercive measure of the Secret State Police against persons who endanger the security of the people and the State through their attitude in order to counter all aspirations of enemies of the people and State." (*1723–PS*)

This order further provides:

> "* * * In a summary of all the previously issued decrees on the cooperation between the Party and the Gestapo I refer to the following and ordain:
>
> "1. To the Gestapo has been entrusted the mission by the Fuehrer to watch over and to eliminate all enemies of the Party and the National Socialist State as well as all disintegrating forces of all kinds directed against both. The successful solution of this mission forms one of the most essential prerequisite for the unhampered and frictionless work of the Party. The Gestapo, in their extremely difficult task, is to be granted support and assistance in every possible way by the NSDAP." (*1723–PS*)

A. *Persecution of Pacifists.*

The conspirators, then, were directing their apparatus of terror against the "enemies of the State", against "disintegrating forces", and against those people who endangered the State "with their attitudes". Whom did they consider as belonging in these broad categories? First, they were the men in Germany who wanted peace. In this connection an affidavit by Gerhart H. Segar declares as follows:

> "* * * 2. During the period after World War I up until my commitment to the Leipzig jail and Oranienburg concentration camp in the spring of 1933 following the Nazis' accession to power in January of that year, my business and political affiliations exposed me to the full impact of the Nazi theories and practice of violent regimentation and terroristic tactics. My conflict with the Nazis by virtue of my identification with the peace movement, and as duly elected member of the Reichstag representing a political faith (Social Democratic Party) hostile to National Socialism, clearly demonstrated that, even in the period prior to 1933, the Nazis considered crimes and terrorism a necessary and desirable weapon in overcoming democratic opposition * * *"

* * * * * * *

> "* * * (e). That the Nazis had already conceived the device of the concentration camp as a means of suppressing and regimenting opposition elements was forcefully brought to my attention during the course of a conversation which I had with Dr. Wilhelm Frick in December 1932. Frick at that time was Chairman of the Foreign Affairs Committee of the Reichstag of which I was a member. When I gave an emphatic answer to Frick concerning the particular matter discussed, he replied, 'Don't worry, when we are in power we shall put all of you guys into concentration camps.' When the Nazis came into power, Frick was appointed Reichminister of Interior and promptly carried out his threat in collaboration with Goering, as Chief of the Prussian State Police, and Himmler." (*L–83*)

Thus, even before the Nazis had seized power in Germany they had conceived of the plan to repress any potential opposition by terror.

Frick's statement to Gerhart Segar is completely consistent with an earlier statement which he made on 18 October 1929. Frick at that time declared:

> "This fateful struggle will first be taken up with the ballot, but this cannot continue indefinitely, for history has taught us that in a battle, blood must be shed, and iron broken. The ballot is the beginning of this fateful struggle. We are determined to promulgate by force that which we preach. Just as Mussolini exterminated the Marxists in Italy, so must we also succeed in accomplishing the same through dictatorship and terror." (*2513–PS*)

There are many additional cases of the use of the concentration camp against the men who wanted peace. There was, for example, a group called the "*Bibel Forscher*" (Bible Research Workers), most of whom were Jehovah's Witnesses. Since they were pacifists, the conspirators provided not only for their prosecution in the regular courts, but also for confining them in concentration camps after they had served the judicial sentences. An order by the Secret State Police, Berlin, dated 5 August 1937, provided:

> "The Reichsminister of Justice had informed me that he does not share the opinion voiced by subordinate departments on various occasions, according to which, the arrest of the *Bibelforschers* after they have served a sentence, is supposed to jeopardize the authority of the law courts. He is fully aware of the necessity for measures by the State Police after the sentence has been served. He asks, however, not to bring the *Bibelforschers* into protective custody under circumstances detrimental to the respect of the law courts * * *."
>
> * * * * * * *
>
> "2. If information regarding the impending release of a *Bibelforscher* from arrest is received from the authorities carrying out the sentence, my decision regarding the ordering of measures by the State Police, will be asked for in accordance with my circular decree dated 22.4.37, so that transfer to a concentration camp can take place immediately after the sentence has been served. Should a transfer into a concentration camp immediately after the serving of the sentence not be possible, *Bibelforschers* will be detained in police prisons." (*D–84*)

B. *Persecution of Trade Union Members.*

Labor unions, traditionally opposed to wars of aggression, also felt the full force of Nazi terror. The concentration camp was an important weapon in the campaign against the trade unions. Goering made it plain, for instance, that members of the Social Democratic Party were to be confined in concentration camps (*2324–PS*). Labor leaders were largely members of that party and soon learned the meaning of "protective custody".

In this connection, an order that one Joseph Simon should be placed in protective custody, is pertinent (*2330–PS*). The "reasons" given were as follows:

> "Simon was for many years a member of the Socialist Party and temporarily a member of the Union Socialiste Populaire. From 1907 to 1918 he was *Landtag* deputy of the Socialist Party; from 1908 to 1930 Social Democratic City Counsellor (*Stadtrat*) in Nurnberg. In view of the decisive role which

> Simon played in the international trade unions and in regard to his connection with international Marxist leaders and central agencies, which he continued after the national recovery, he was placed under protective custody on 3 May 1933, and was kept, until 25 January 1934, in the Dachau concentration camp. Simon is under the urgent suspicion that even after this date he played an active part in the illegal continuation of the Socialist Party. He took part in meetings which aimed at the illegal continuation of the Socialist Party and propagation of illegal Marxist printed matter in Germany.
>
> "Through this radical attitude which is hostile to the State, Simon directly endangers public security and order." (*2330-PS*)

Further instances of this persecution of members of trade unions are contained in (*2334-PS*) and (*2928-PS*).

C. *Persecution of Jews.*

Thousands of Jews, were, of course, confined in concentration camps. (For a fuller discussion of this point see Chapter XII.) Among the wealth of evidence showing the confinement of Germans only because they were Jews, a teletype from SS Gruppenfuehrer Heydrich is typical. This order is dated 10 November 1938, and is addressed to all headquarters of the State Police and all districts and sub-districts of the SD (*3051-PS*). Paragraph 5 of this teletype, which was entitled "Measures against Jews tonight," provided:

> "* * * 5. Inasmuch as in the course of the events of this night the employment of officials used for this purpose would be possible, in all districts as many Jews, especially rich ones, are to be arrested as can be accommodated in the existing prisons. For the time being only healthy men not too old are to be arrested. Upon their arrest, the appropriate concentration camps should be contacted immediately, in order to confine them in these camps as fast as possible." (*3051-PS*)

Himmler in 1943 indicated that use of the concentration camp against the Jews had been motivated, not simply by Nazi racialism, but also by a fear that the Jews might have been an obstacle to aggression. In a speech delivered at a meeting of the SS Major Generals at Posen on 4 October 1943, Himmler sought to justify the Nazi anti-Jewish policy:

> "I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about—'The Jewish race is being exterminated', says one party member, 'that's quite clear, it's in our program, elimi-

> nation of the Jews, and we're doing it, exterminating them'. And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course, the others are vermin, but this one is an A-1 Jew. Not one of all those who talk this way has witnessed it, not one of them has been through it. Most of you must know what it means when 100 corpses are lying side by side, or 500 or 1,000. To have stuck it out and at the same time—apart from exceptions caused by human weakness—to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written, for we know how difficult we should have made it for ourselves, if—with the bombing raids, the burden and deprivations of war—we still had Jews today in every town as secret saboteurs, agitators and trouble-mongers." (*1919–PS*)

It is clear from the foregoing evidence that prior to the launching of a Nazi aggression, the concentration camp had been one of the principal weapons by which the conspirators achieved the social cohesion which was needed for the execution of their plans for aggression. After the conspirators launched their aggression and their armies swept over Europe, they brought the concentration camp and the whole system of Nazi terror to occupied countries. In addition, they brought the citizens of the occupied countries to Germany and subjected them to the whole apparatus of Nazi brutality. In a communication to Himmler dated 16 December 1942, Mueller, for the Chief of the Security Police and SD, deals with the seizure of Polish Jews for deportation to concentration camps in Germany. I should like to quote the body of this communication:

> "In connection with the increase in the transfer of labor to the *concentration camps,* ordered to be completed by 30 January 1943, the following procedure may be applied in the Jewish section.
>
> "1. Total number: 45,000 Jews.
>
> "2. Start of transportation: 11 January 1943; End of transportation: 31 January 1943. (The Reich railroads are unable to provide special trains for the evacuation during the period from 15 December 1942 to 10 January 1943 because of the increased traffic of armed forces leave trains).
>
> "3. Composition: The 45,000 Jews are to consist of 30,000 Jews from the district of *Byalystock.* 10,000 Jews from the Ghetto *Theresienstadt,* 5,000 of whom are Jews fit for work who heretofore had been used for smaller jobs required for the Ghetto, and 5,000 Jews who are generally incapable

> of working, also over 60 year old Jews * * * . As heretofore only such Jews would be taken for the evacuation who do not have any particular connections and who are not in possession of any high decorations. 3,000 Jews from the occupied Dutch territories, 2,000 Jews from Berlin—45,000. The figure of 45,000 includes the invalid (old Jews and children). *By use of a practical standard,* the screening of the arriving Jews in Auschwitz should yield at least 10,000 to 15,000 people fit for work." (*R–91*)

The Jews of Hungary suffered the same fate. Between 19 March 1944 and 1 August 1944 more than 400,000 Hungarian Jews were rounded up. Many of these were put in wagons and sent to extermination camps. An affidavit made in London by Dr. Rudolph Kastner, a former official of the Hungarian Zionist Organization, states in part:

> "19 March 1944: Together with the German military occupation arrived in Budapest a 'Special Section Commando' of the German Secret Police with the sole object of liquidating the Hungarian Jews * * * They arrested and later deported to Mauthausen, all the leaders of Jewish political and business life and journalists, together with the Hungarian democratic and anti-Fascist politicians * * *."

* * * * * * *

> "Up to 27 June 1944, 475,000 Jews were deported."

* * * * * * *

> "According to statements of Krumey and Wislicseny in February or March 1945 a conference of the officers of IV.B. was called to Berlin by Eichmann in the spring of 1942. He then informed them that the government decided in favor of the complete annihilation of the European Jews and that this will be carried out silently in the gas-chambers. 'Victory is ours,' declared Eichmann. 'The end of the war is near. We must hurry as this is the last chance to free Europe of the Jews. After the war it will not be possible to utilize such methods.'"

* * * * * * *

> "Commanders of the death-camps gassed only on direct or indirect instructions of Eichmann. The particular officer of IV.B. who directed the deportations from some particular country had the authority to indicate whether the train should go to a death camp or not, and what should happen to the passengers. The instructions were usually carried by the SS-NCO escorting the train. The letters 'A' or 'M' on the escorting instruction documents indicated Auschwitz or

Majdanek; it meant that the passengers were to be gassed. * * * Regarding Hungarian Jews the following general ruling was laid down in Auschwitz: children up to the age of 12 or 14, older people above 50, as well as the sick, or people with criminal records (who were transported in specially marked wagons) were taken immediately on their arrival to the gas chambers.

"The others passed before an SS doctor who, on sight indicated who was fit for work, and who was not. Those unfit were sent to the gas chambers, while the others were distributed in various labor camps." (*2605–PS*)

2. "CHARGES" AGAINST CONCENTRATION CAMP INMATES

In the Eastern territories, these victims were apprehended for extermination in concentration camps without any charges having been made against them. In the Western occupied territories, charges were apparently made against some of the victims. Some of the charges which the Nazis considered sufficient basis for confinement in a concentration camp are illustrated in a summary of the file of the dossier of 25 persons arrested in Luxembourg for commitment to various concentration camps and sets forth the charges made against each person (*L–215*). These charges read as follows:

"Name	Charge	Place of Confinement
HENRICY—	By associating with members of illegal resistance movements and making money for them violating legal foreign exchange rates, by harming the interests of the Reich and being expected in the future to disobey official administrative regulations and act as an enemy of the Reich.	Natzweiler
KRIER—	By being responsible for advanced sabotage of labor and causing fear because of his political and criminal past. Freedom would only further his anti-social urge.	Buchenwald

* * * * * * *

"Name	Charge	Place of Confinement
MONTI—	By being strongly suspected of aiding desertion.	Sachsenhausen
JUNKER—	Because as a relative of a deserter he is expected to endanger the interests of the German Reich if allowed to go free.	Sachsenhausen
JAEGER—	Because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich.	Sachsenhausen
* *	* * *	* *
LUDWIG—	For being strongly suspected of aiding desertion." (*L–215*)	Dachau

3. USE OF CONCENTRATION CAMPS FOR PRISONERS OF WAR

Not only civilians of the occupied territories, but also prisoners of war were subjected to the concentration camp. A memorandum to all officers of the State Police, signed by Mueller, Chief of the Gestapo, dated 9 November 1941, discusses the "Transportation of Russian Prisoners of War, Destined for Execution, into the Concentration Camps." (*1165–PS*). This memorandum states in part:

> "The commandants of the concentration camps are complaining that 5 to 10% of the Soviet Russians destined for execution are arriving in the camps dead or half dead. Therefore the impression has arisen that the Stalags are getting rid of such prisoners in this way.
>
> "It was particularly noted that, when marching, for example, from the railroad station to the camp, a rather large number of PWs collapsed on the way from exhaustion, either dead or half dead, and had to be picked up by a truck following the convoy.
>
> "It cannot be prevented that the German people take notice of these occurrences.
>
> "Even if the transportation to the camps is generally taken care of by the Wehrmacht, the population will attribute this situation to the SS.
>
> "In order to prevent, if possible, similar occurrences in the future, I therefore order that, effective from today on, Soviet Russians, declared definitely suspect and obviously

> marked by death (for example with typhus) and who therefore would not be able to withstand the exertions of even a short march on foot, shall in the future, as a matter of basic principle, be excluded from the transport into the concentration camps for execution." (*1165–PS*)

Additional evidence of the confinement of Russian prisoners of war in concentration camps is found in an official report of the investigation of the Flossenburg concentration camp by Headquarters Third United States Army, Judge Advocate Section. War Crimes Branch, dated 21 June 1945 (*2309–PS*). This report states:

> "In 1941 an additional stockade was added at the Flossenburg Camp, to hold 2,000 Russian prisoners. From these 2,000 prisoners only 102 survived." (*2309–PS*)

Soviet prisoners of war found their allies in the concentration camps. The same official report continues:

> "The victims of Flossenburg included among the Russian, civilians and prisoners of war, German nationals, Italians, Belgians, Poles, Czechs, Hungarians, British and American prisoners of war. No practical means was available to complete a list of victims of this camp, however, since the foundation of the camp in 1938 until the day of liberation it is estimated that more than 29,000 inmates died." (*2309–PS*)

Escaped prisoners of war were sent to concentration camps, which were specially set up as extermination centers. A communication from the Secret State Police Office, Cologne, dated 4 March 1944, transmitted the following orders of the OKW—for which Keitel is responsible—concerning escaped prisoners of war:

> "1. Every captured escaped prisoner of war who is an officer or a non-working non-commissioned officer, except British and American prisoners of war, is to be turned over to the Chief of the Security Police and of the Security Service under the classification 'Step III' regardless of whether the escape occurred during a transport, whether it was a mass escape or an individual one.
>
> "2. Since the transfer of the prisoners of war to the Security Police and Security Service may not become officially known to the outside under any circumstances other prisoners of war may by no means be informed of the capture. The captured prisoners are to be reported to the Army Information Bureau as 'escaped and not captured'. Their mail is to be handled accordingly. Inquiries of representatives of the Pro-

> tective Power of the International Red Cross, and of other aid societies will be given the same answer." (*1650–PS*)

The same communication carried a copy of an order of SS General Mueller, acting for the Chief of the Security Police and SD, which directed the Gestapo to transport escaped prisoners directly to Mauthausen. The first two paragraphs of Mueller's order provide:

> "The State Police Directorates will accept the captured escaped officer prisoners of war from the prisoner of war camp commandants and will transport them to the Concentration Camp Mauthausen following the procedure previously used, unless the circumstances render a special transport imperative. The prisoners of war are to be put in irons on the transport—not on the station if it is subject to view by the public. The camp commandant at Mauthausen is to be notified that the transfer occurs within the scope of the action 'Kugel'. The State Police Directorates will submit semiyearly reports on these transfers giving merely the figures, the first report being due on 5 July 1944 (sharp). * * * For the sake of secrecy, the Supreme Command of the Armed Forces has been requested to inform the prisoner of war camps to turn the captured prisoners over to the local State Police Office and not to send them directly to Mauthausen." (*1650–PS*)

It is no coincidence that the literal translation for the German word *"Kugel"* is "bullet", since Mauthausen, where the escaped prisoners were sent, was an extermination center.

4. THE NETWORK OF CONCENTRATION CAMPS

Nazi conquest was marked by the establishment of concentration camps over all of Europe. The following report on the location of concentration camps, signed by Pohl, an SS General who was in charge of concentration camp labor policies, indicates the scope of these activities:

> "1. At the outbreak of war there existed the following concentration camps:
>
> a Dachau, 1939, 4,000 prisoners, today 8,000.
> b Sachsenhausen, 1939, 6,500 prisoners, today 10,000.
> c Buchenwald, 1939, 5,300 prisoners, today 9,000.
> d Mauthausen, 1939, 1,500 prisoners, today 5,500.
> e Flossenburg, 1939, 1,600 prisoners, today 4,700.
> f Ravensbrueck, 1939, 2,500 prisoners, today 7,500.
>
> "2. In the years 1940 to 1942 nine further camps were

> erected, viz.:
> a. Auschwitz (Poland)
> b. Neuengamme
> c. Gusen (Austria)
> d. Natzweiler (France)
> e. Gross-Rosen
> f. Lublin (Poland)
> g. Niederhagen
> h. Stutthof (near Danzig)
> i. Arbeitsdorf." (*R–129*)

In addition to these camps in occupied territory, there were many others. The official report by the Headquarters, Third U. S. Army, Judge Advocate Section, War Crimes Branch, contains the following evidence:

> "Concentration Camp Flossenburg was founded in 1938 as a camp for political prisoners. Construction was commenced on the camp in 1938 and it was not until April 1940 that the first transport of prisoners was received. From this time on prisoners began to flow steadily into the camp. * * * Flossenburg was the mother camp and under its direct control and jurisdiction were 47 satellite camps or outer-commandos for male prisoners and 27 camps for female workers. To these outer-commandos were supplied the necessary prisoners for the various work projects undertaken.
>
> "Of all these outer-commandos Hersbruck and Leitmeritz (in Czechoslovakia), Oberstaubling, Mulsen and Sall, located on the Danube, were considered to be the worst." (*2309–PS*)

5. THE CONCENTRATION CAMP AS AN INSTRUMENT OF TERROR

The savage treatment which was inflicted in these concentration camps upon allied nationals, prisoners of war, and other victims of Nazi terror has been depicted in motion picture evidence. Verbal discussion of this subject may therefore be brief.

The minutes of the Central Planning Committee, on which Speer sat, and where the high strategy of Nazi armament production was formulated, record a conference on the question of squeezing more work out of slave laborers. Speer, who was not generally considered a fanatic like Frick, or a man of Blood and Iron like Goering, handled the problem in this fashion:

> "Speer: We must also discuss the slackers. Ley has ascertained that the sick list decreased to one fourth or one fifth in factories where doctors are on the staff who are examin-

> ing the sick men. There is nothing to be said against SS and Police taking drastic steps and putting those known as slackers into concentration camps. There is no alternative. Let it happen several times and the news will soon go around." (*R–124*)

The deterrent effect of the concentration camps upon the public was carefully planned. To heighten the atmosphere of terror surrounding the concentration camps, they were shrouded in secrecy. What went on behind the barbed wire enclosures was a matter of fearful conjecture in Germany and the countries under Nazi control.

This was the policy from the very beginning, when the Nazis first came into power in Germany and set up their concentration camp system. An order issued in 1 October 1933 by the Camp Commander of Dachau prescribes a program of floggings, solitary confinement, and executions for the inmates for infractions of the rules. (*778–PS*). Among the rules were those prescribing a rigid censorship concerning conditions within the camp:

> "By virture of the law on revolutionaries, the following offenders, considered as *agitators, will be hung.* Anyone who, for the purpose of agitating, does the following in the camp, at work, in the quarters, in the kitchens and workshops, toilets and places of rest: politicizes, holds inciting speeches and meetings, forms cliques, loiters around with others; who for the purpose of supplying the propaganda of the opposition with atrocity stories, collects true or false information about the concentration camp and its institution; receives such information, buries it, talks about it to others, smuggles it out of the camp into the hands of foreign visitors or others by means of clandestine or other methods, passes it on in writing or orally to released prisoners or prisoners who are placed above them, conceals it in clothing or other articles, throws stones and other objects over the camp wall containing such information; or produces secret documents; who, for the purpose of agitating, climbs on barracks' roofs and trees, seeks contact with the outside by giving light or other signals, or induces others to escape or commit a crime, gives them advices to that effect or supports such undertakings in any way whatsoever." (*778–PS*)

Censorship concerning the camps was complemented by an officially inspired rumor compaign outside the camps. Concentration camps were spoken of in whispers, and the whispers were spread by agents of the secret police. A "Top Secret" order, relating to concentration camps, issued by the Head of the Gestapo and distributed to appropriate police officers, and dated 26 October 1939, provides:

> "In order to achieve a further deterrent effect, the following must, in future, be observed in each individual case * * *
>
> "3. *The length of the period of custody must in no case be made known,* even if the Reichsfuehrer SS and Chief of the German Police or the Chief of the Security Police and the SD has already fixed it.
>
> "The term of commitment to a concentration camp is to be openly announced as 'until further notice.'
>
> "In most serious cases, there is no objection to the increasing of the deterrent effect by the spreading of cleverly carried out *rumour propaganda,* more or less to the effect that, according to hearsay, in view of the seriousness of his case, the arrested man will not be released for 2 or 3 years.
>
> "4. In certain cases, the Reichsfuehrer SS and Chief of the German Police will order flogging in addition to detention in a concentration camp. Orders of this kind will, in future, also be transmitted to the State Police District Office concerned. In this case too, there is no objection to spreading the rumor of this increased punishment as laid down in Section 3, paragraph 3, in so far as this appears suitable, to add to the deterrent effect.
>
> "5. Naturally, particularly suitable and reliable people are to be chosen for the spreading of such news." (*1531–PS*)

6. THE TREATMENT OF CONCENTRATION CAMP VICTIMS

The deterrent effect of the concentration camps was based on the promise of savage brutality. This promise was fulfilled, to an extent which defies description. Once in the custody of the SS guards, the victim was beaten, tortured, starved, and often murdered through the so-called "extermination through work" program, or through mass execution gas chambers and furnaces of the camps (which were portrayed in the motion picture evidence). The reports of official government investigations furnish additional evidence of conditions within the concentration camps. The official report concerning the concentration camp Flossenberg, prefaced by the Office of the Judge Advocate General of the United States Army, dated 21 June 1945, and supported by attached affidavits and testimony, contains this description:

> "The work at these camps mainly consisted of underground labor, the purpose being the construction of large under-

ground factories, storage rooms, etc. This labor was performed completely underground and as a result of the brutal treatment, working and living conditions, a daily average of 100 prisoners died. To the one camp Oberstaubling, 700 prisoners were transported in February 1945 and on the 15th of April 1945 only 405 of these men were living. During the 12 months preceding the liberation, Flossenburg and the branch camps under its control accounted for the death of 14,739 male inmates and 1,300 women. These figures represent the deaths as were obtained from the available records in the camp, however, they are in no way complete as many secret mass executions and deaths took place. In 1941 an additional stockade was added at the Flossenburg camp, to hold 2,000 Russian prisoners. From these 2,000 prisoners only 102 survived.

"Flossenburg Concentration Camp can best be described as a factory dealing in death. Although this camp had in view the primary object of putting to work the mass slave labor, another of its primary objectives was the elimination of human lives by the methods employed in handling the prisoners.

"Hunger and starvation rations, sadism, housing facilities, inadequate clothing, medical neglect, disease, beatings, hangings, freezing, hand hanging, forced suicides, shooting, all played a major role in obtaining their objective. Prisoners were murdered at random; spite killings against Jews were common. Injections of poison and shooting in the neck were everyday occurrences. Epidemics of typhus and spotted fever were permitted to run rampant as a means of eliminating prisoners. Life in this camp meant nothing. Killing became a common thing, so common that a quick death was welcomed by the unfortunate ones."

* * * * * * *

"On Christmas 1944 a number of prisoners were hung at one time. The prisoners were forced to view this hanging. By the side of the gallows was a decorated Christmas tree and as expressed by one prisoner 'it was a terrible sight, that combination of prisoners hanging in the air and the glistening Christmas tree'.

"In March or April, 13 American or British parachutists were hung. They had been delivered to this camp sometime before and had been captured while trying to blow up bridges."

* * * * * * *

"On April 20, 1945, approximately 15,000 prisoners were as-

> sembled to make a forced march in the direction of Concentration Camp Dachau. The evacuation of these prisoners was caused by the impending capture of the camp by the Allies. These 15,000 prisoners were lined up in three groups and started on this march. Only those prisoners who could walk were taken and before leaving Flossenburg, many were executed, as also were those who collapsed in rank awaiting the movement to start the trek. No provision was made for the feeding of these prisoners or sleeping on this trip. They marched in long columns guarded by SS Guards.
>
> "Thousands were killed on the way and the paths which they took were littered with the dead. Groups of from 5 to 50 were taken out and forced to dig pits and then were shot. Many graves were not even covered. As the already starved and weakened prisoners fell from exhaustion, a group of SS guards bringing up the rear would kill them by a shot in the back of the head. All who fell out of line were immediately executed in this manner. Death was also caused by beatings or bashings in the skulls.
>
> "The prisoners marched from Friday till Monday during which time they received only 100 grams of bread. They marched in the rain and slept in the fields in the mud and water. Many died from exhaustion. On the 23rd day of April 1945, between the towns of Cham and Roding, they were liberated by the American troops." (*2309–PS*)

Conditions at Mauthausen, one of the most notorious extermination centers, are thus described in an official report of the office of the Judge Advocate General of the Third United States Army, dated 17 June 1945:

> "V. *Conclusions*. There is no doubt that Mauthausen was the basis for long term planning. It was constructed as a gigantic stone fortress on top of a mountain flanked by small barracks.
>
> "Mauthausen, in addition to its permanency of construction had facilities for a large garrison of officers and men, and had large dining rooms and toilet facilities for the staff. It was conducted with the sole purpose in mind of exterminating any so-called prisoner who entered within its walls. The so-called branches of Mauthausen were under direct command of the SS officials located there. All records, orders, and administrative facilities were handled for these branches through Mauthausen. The other camps, including Gusen and Ebensee, its two most notorious and largest branches, were not exclusively used for extermination but

> prisoners were used as tools in construction and production until they were beaten or starved into uselessness, whereupon they were customarily sent to Mauthausen for final disposal." (*2176-PS*)

It is clear from both the motion picture and these reports, which could be supplemented by many similar ones, that the brutal conditions in all concentration camps followed the same general pattern. The widespread incidence of these conditions makes it clear that they were not the result of sporadic excesses on the part of individual jailers, but were the result of policies deliberately imposed from above.

The crimes committed by the Nazis in the concentration camp were on so vast a scale that individual atrocities pale into insignificance. But there are two exhibits in the possession of the prosecution which illustrate the contempt in which the Nazis held human values. The first is a frame showing sections of human skin, taken from human bodies in Buchenwald Concentration Camp and preserved as ornaments. (This was offered by the prosecution as a physical exhibit.) They were selected because of the tattooing which appeared on the skin. Attached to this exhibit is an extract of an official U. S. Army report describing the circumstances under which this exhibit was obtained (*3420-PS*):

> "Mobile Field Interrogation Unit No. 2
>
> PW INTELLIGENCE BULLETIN
>
> "No. 2/20 19 December 1944
>
> "Address Briefs and Requests to HQ, FID, MIS, APO 887
>
> *"EXTRACT*
>
> "13. *Concentration Camp, Buchenwald.*
>
> "*Preamble.* The author of this account is PW Andreas Pfaffenberger, 1 Coy, 9 Landesschuetzen Bn. 43 years old and of limited education, he is a butcher by trade. The substantial agreement of the details of his story with those found in PWIS (H)/LF/736 establishes the validity of his testimony.
>
> "PW has not been questioned on statements which, in the light of what is known, are apparently erroneous in certain details, nor has any effort been made to alter the subjective character of PW's account, which he wrote without being told anything of the intelligence already known. Results of interrogation on personalities at Buchenwald have already been published (PWIB No 2/12 Item 31)."
>
> * * * * * * *
>
> "In 1939, all prisoners with tattooing on them were ordered

> to report to the dispensary. No one knew what the purpose was. But after the tattooed prisoners had been examined, the ones with the best and most artistic specimens were kept in the dispensary, and then killed by injections, administered by Karl Beigs, a criminal prisoner. The corpses were then turned over to the pathological department, where the desired pieces of tattooed skin were detached from the bodies and treated. The finished products were turned over to SS Standartenfuehrer Koch's wife, who had them fashioned into lampshades and other ornamental household articles. I myself saw such tattooed skins with various designs and legends on them, such as "Hans'l und Gret'l", which one prisoner had had on his knee, and ships from prisoners' chests. This work was done by a prisoner named Wernerbach." (*3420–PS*)

The following certificate is also attached to the exhibit:

> "I, George C. Demas, Lieut., USNR., associated with the United States Chief of Counsel for the Prosecution of Axis Criminality, hereby certify that the attached exhibit, consisting of parchment, was delivered by the War Crimes Section, Judge Advocate General, U. S. Army, to me in my above capacity, in the usual course of official business, as an exhibit found in Buchenwald Camp and captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces." (*3421–PS*)

This is the conclusion reached in an official U. S. Army report attached to the exhibit:

> "Based on the findings in paragraph 2, all three specimens are tattooed human skin". (*3423–PS*)

One more example of this pathological phase of Nazi culture, another Nazi trophy, is a human head with the skull bone removed, shrunken, stuffed, and preserved. (This was offered by the prosecution as a physical exhibit.) This head probably belonged to a foreign worker, kidnapped by Sauckel to work in Speer's armament industry. The Nazis had one of their many victims decapitated after having had him hanged for fraternizing with a German woman; they fashioned this ornament from his head. This represents the end product of the Nazi system, representing both the degradation of the Nazi "master" and the anguish of his victim. The official U. S. Army report attached to this exhibit deals with the manner in which this exhibit was acquired. It reads in part:

> "There I also saw the shrunken heads of two young Poles who had been hanged for having relations with German girls.

The heads were the size of a fist, and the hair and the marks of the rope were still there." (*3423–PS*)

7. THE NUMBER OF VICTIMS

No accurate estimate of how many persons died in the concentration camps can be made. Although the Nazis were generally meticulous record keepers, the records they kept about concentration camps appear to have been incomplete.

Occasionally there is a death book, or a set of index cards, but for the most part, the victims apparently faded into an unrecorded death. The scale of the concentration camp operations is suggested by a set of seven books, the death ledger of the Mauthausen Concentration Camp (physically offered to the court). Each book bears on its cover *"Totenbuch"* or Death Book—Mauthausen. In these books were recorded the names of some of the inmates who died or were murdered in this camp. The books cover the period from January 1939 to April 1945. They give the name, place of birth, the assigned cause of death and time of death of each individual recorded. In addition each corpse is assigned a serial number. Addition of the serial numbers for the five-year period produces a total figure of 35,318.

Examination of the books reveals the camp's routine of death. For example, pages 568 to 582 of Volume 5 cover death entries made for 19 March 1945 between fifteen minutes past one in the morning until 2 o'clock in the afternoon. In this space of 12¾ hours, 203 persons are reported as having died. They were assigned serial numbers running from 8390 to 8593. The names of the dead are listed. The victims are all recorded as having died of the same ailment—"heart trouble". They died at brief intervals. They died in alphabetical order. The first who died was a man named Ackermann who died at one fifteen A.M. The last was a man named Zynger who died at 2 o'clock P.M.

At twenty minutes past two o'clock on the afternoon of the same day, 19 March 1945, the fatal roll call began again, and continued until half past four o'clock. In a space of two hours, 75 more persons died. Once again they died from heart failure and in alphabetical order. The entries are recorded in the same volume, from pages 582 through 586.

Another death book was found at Camp Mauthausen. This is a single volume, which has on its cover the words—"Death Book—Prisoners of War". Pages 234 through 246 contain entries recording the names of 208 prisoners of war, apparently Russians, who at 15 minutes past midnight on the 10th day of May 1942, were executed at the same time. The book notes that the execution was directed by the Chief of the SD and the SIPO (Heydrich).

It is common knowledge that the anguish of the concentration camp was spread, not only over the Continent of Europe, but over all the world. Even today all over the world people are still seeking word of their friends and relatives who vanished into the Nazi concentration camps and left no trace behind. This fact is emphasized by the 23 November 1945 issue of the weekly newspaper, *"Aufbau"*, published in the German language in New York City. On the back pages—8, 9, 10, and 11—are published both notices requesting information about friends and relatives, and notices announcing the deaths of persons who were last heard of in a Nazi concentration camp. The personal tragedies, which these notices represent, multiplied an incalculable number of times, is part of the legacy which the Nazi conspirators have left to the world.

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO CONCENTRATION CAMPS

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6 (b, c)...	I	5
	International Military Tribunal, Indictment Number 1, Sections III; VIII (A, C); X...........	I	15,31, 41,53
3737–PS	Hague Convention of 1907 respecting the Laws and Customs of War on Land, Annex, Article 46..	VI	597
3738–PS	Geneva Convention of 1929 relative to treatment of Prisoners of War, Articles 2, 3............	VI	600
	Note: A single asterisk (*) before a document indicates that the document was received in evidence		

Document	Description	Vol.	Page
	at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*374–PS	TWX Series of Orders signed by Heydrich and Mueller, issued by Gestapo Headquarters Berlin, 9–11 November 1938, concerning treatment of Jews. (USA 729).........	III	277
*392–PS	Official NSDAP circular entitled "The Social Life of New Germany with Special Consideration of the German Labor Front", by Prof. Willy Mueller (Berlin, 1938). (USA 326).....................	III	380
*641–PS	Report of Public Prosecutor General in Munich, 1 June 1933, concerning murder of Dr. Strauss in Dachau by an SS guard. (USA 450)...........................	III	453
*642–PS	Report to Public Prosecutor General in Munich, 1 June 1933, concerning murder of Hausmann in Dachau by an SS guard. (USA 451)...........................	III	454
*644–PS	Report to Public Prosecutor General in Munich, 1 June 1933, concerning murder of Schloss in		

Document	Description	Vol.	Page
	Dachau by an SS guard. (USA 452)	III	455
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Chapter XII

THE PERSECUTION OF THE JEWS

It had long been a German theory that the First World War ended in Germany's defeat because of a collapse behind the lines. In planning for future wars it was determined that the home front must be secured to prevent a repetition of this 1918 debacle. Unification of the German people was essential to successful planning and waging of war. Hence, the Nazi political goal must be sought:—"One race, one State, one Fuehrer." Free trade unions must be abolished, political parties (other than the NSDAP) must be outlawed, civil liberties must be suspended, and opposition of every kind must be swept away. Loyalty to God, church, and scientific truth was declared to be incompatible with the Nazi regime.

The anti-Jewish policy was part of this plan for unification because it was the conviction of the Nazis that the Jews would not contribute to Germany's military program, but on the contrary would hamper it. The Jew must therefore be eliminated. This view is clearly borne out by a statement contained in a speech of Himmler's at a meeting of SS Major Generals on 4 October 1943:

> "We know how difficult we should have made it for ourselves if with the bombing raids, the burdens and deprivations of war, we still had the Jews today in every town as secret saboteurs, agitators, and trouble mongers; we would now probably have reached the 1916-17 stage when the Jews were still in the German national body." (*1919–PS*)

The treatment of the Jews within Germany was as much a part of the Nazi plan for aggressive war as was the building of armaments and the conscription of manpower.

1. HATE-PROPAGANDA AGAINST JEWS

The objective of the elimination and extermination of the Jews, could not be accomplished without certain preliminary measures. One of these was the indoctrination of the German people with hatred against the Jews.

The first evidence of the Party policies in this direction was expressed in the Party program of February 1920 (*1708–PS*). Paragraphs (4) and (6) of that program declared:

> "* * * Only a member of the race can be a citizen. A member of the race can only be one who is of German blood without consideration of confession."

* * * * * * *

> "* * * The right to determine matters concerning administration and law belongs only to the citizen; therefore, we demand that every public office of any sort whatsoever, whether in the Reich, the county or municipality, be filled only by citizens." (*1708–PS*)

Hitler, at page 724 and 725 of *Mein Kampf*, spoke of the Jew. If the National Socialist movement was to fulfill its task, he declared:

> "It must open the eyes of the people with regard to foreign nations and must remind them again and again of the true enemy of our present day world. In the place of hate against Aryans—from whom we may be separated by almost everything, to whom, however, we are tied by common blood or the great tide of a common culture—it must dedicate to the general anger the evil enemy of mankind as the true cause of all suffering.
>
> "It must see to it, however, that at least in our country he be recognized as the most mortal enemy and that the struggle against him may show, like a flaming beacon of a better era, to other nations too, the road to salvation for a struggling Aryan mankind." (*2662–PS*)

A flood of abusive literature of all types and for all age groups was published and circulated throughout Germany. Illustrative of this type of publication is the book *Der Giftpilz.* (*1778–PS*). This book brands the Jew as a persecutor of the labor class, a race defiler, a devil in human form, a poisonous mushroom, and a murderer. This particular book was used to instruct school children to recognize the Jew by caricatures of his physical features, (pages 6 and 7); and to teach them that the Jew abuses little boys and girls, (page 30), and that the Jewish Bible permits all crimes (pages 13-17). Streicher's periodical, *Der Stuermer,* (issue no. 14 for April 1937) in particular, went to such extremes as to publish the statement that Jews at the ritual celebration of their Passover slaughtered Christians:

> "The numerous confessions made by the Jews show that the execution of ritual murders is a law to the Talmud Jew. The former chief rabbi, and later monk, Teofite, declared that the ritual murders take place especially on the Jewish Purim in memory of the Persian murders, and Passover in memory of the murder of Christ. The instructions are as follows:
>
> "The blood of the victims is to be tapped by force. On Passover it is to be used in wine and matzos. Thus, a small part of the blood is to be poured into the dough of the matzos

> and into the wine. The mixing is done by the Jewish head of the family. The procedure is as follows:
>
> "The family head empties a few drops of the fresh and powdered blood into the glass, wets the fingers of the left hand with it and sprays, blesses, with it everything on the table. The head of the family then says, 'Thus we ask God to send the ten plagues to all enemies of the Jewish faith.' Then they eat, and at the end the head of the family exclaims, 'May all Gentiles perish, as the child whose blood is contained in the bread and wine.'
>
> "The fresh, or dried and powdered blood of the slaughtered is further used by young married Jewish couples, by pregnant Jewesses, for circumcision and so on. Ritual murder is recognized by all Talmud Jews. The Jew believes he absolves himself thus of his sins." (*2699–PS*)

The Jew-baiting publication, *Der Stuermer,* was published by Streicher's publishing firm (*2697–PS*). In one issue of this periodical, Streicher, speaking of the Jewish faith, said:

> "The Holy Scripture is a horrible criminal romance abounding with murder, incest, fraud and indecency."

* * * * * * *

> "The Talmud is the great Jewish book of crimes that the Jew practices in his daily life." (*2698–PS*)

This propaganda campaign of hate, of which the above quotations are but random samples, was too widespread and notorious to require further elaboration.

2. DISCRIMINATORY DECREES AGAINST JEWS

When the Nazi Party gained control of the German State, the conspirators used the means of official decrees as a weapon against the Jews. In this way the force of the state was applied against them.

Jewish immigrants were denaturalized (1933 *Reichsgesetzblatt,* Part I, page 480, signed by Frick and Neurath).

Native Jews were precluded from citizenship (1935 *Reichsgesetzblatt,* Part I, page 1146, signed by Frick).

Jews were forbidden to live in marriage or to have extramarital relations with persons of German blood (1935 *Reichsgesetzblatt,* Part I, page 1146, signed by Frick and Hess).

Jews were denied the right to vote (1936 *Reichsgesetzblatt,* Part I, page 133, signed by Frick).

Jews were denied the right to hold public office or civil service positions (1933 *Reichsgesetzblatt,* Part I, page 277, signed by Frick).

Jews were relegated to an inferior status by the denial of common privileges and freedoms. Thus, they were denied access to certain city areas, sidewalks, transportation, places of amusement, restaurants (1938 *Reichsgesetzblatt,* Part I, page 1676).

Progressively, more and more stringent measures were applied, even to the denial of private pursuits. They were excluded from the practice of dentistry (1939 *Reichsgesetzblatt,* Part I, page 47, signed by Hess).

The practice of law was denied to them (1938 *Reichsgesetzblatt,* Part I, page 1403, signed by Frick and Hess).

The practice of medicine was forbidden them (1938 *Reichsgesetzblatt,* Part I, page 969, signed by Frick and Hess).

They were denied employment by press and radio (1933 *Reichsgesetzblatt,* Part I, page 661).

They were excluded from stock exchanges and stock brokerage (1934 *Reichsgesetzblattt,* Part I, page 661).

They were excluded from farming (1933 *Reichsgesetzblatt,* Part I, page 685).

In 1938 they were excluded from business in general and from the economic life of Germany (1938 *Reichsgesetzblatt,* Part I, page 1580, signed by Goering).

The Jews were also forced to pay discriminatory taxes and huge atonement fines. Their homes, bank accounts, real estate, and intangibles were expropriated.

A report of a conference under the chairmanship of Goering, and attended by Funk, among others, which was held at 11 o'clock on 12 November 1938 at the Reich Ministry for Air, quotes Goering as saying:

> "One more question, gentlemen, what would you think the situation would be if I'd announced today that Jewry shall have to contribute this one billion as a punishment."
>
> * * * * * * *
>
> "I shall choose the wording this way that German Jewry shall, as punishment for their abominable crimes, etc., etc., have to make a contribution of one billion; that'll work. The pigs won't commit another murder. I'd like to say again that I would not like to be a Jew in Germany." (*1816–PS*)

Following these whimsical remarks a decree was issued over the signature of Goering, fining German Jews the sum of one billion Reichsmarks (1938 *Reichsgesetzblatt,* Part I, page 1579, dated 12 November 1938, signed by Goering).

Similiar decrees are contained in 1939 *Reichsgesetzblatt*, Part I, page 282, signed by Goering; and in 1941 *Reichsgesetzblatt*, Part I, page 722, signed by Frick and Bormann.

Finally, in 1943, the Jews were placed beyond the protection of any judicial process by a decree signed by Bormann and Frick, among others; the police were made the sole arbiters of punishment and death (1943 *Reichsgesetzblatt*, Part I, page 372, signed by Frick and Bormann).

3. ANTI-JEWISH BOYCOTTS, RAIDS, AND VIOLENCE

Simultaneously with the passage of these decrees and their execution, still another weapon was wielded by the Party and the party-controlled state. This was the openly sponsored and official anti-Jewish boycotts. The published diary of Joseph Goebbels, at page 290, contains this entry for 29 March 1933:

> "The boycott appeal is approved by the entire cabinet." (*2409-PS*)

Again, on 31 March 1933, he wrote:

> "We are having a last discussion among a very small circle and decide that the boycott is to start tomorrow with all severity." (*2409-PS*)

Streicher and Frank, together with Himmler, Ley, and others, were members of a central committee who conducted the 1933 boycott against the Jews. Their names are listed in National Socialist Party correspondence for 29 March 1933. (*2156-PS*)

In this early 1933 violence against the Jews, raids were conducted on synagogues by uniformed Nazis. Attending members of the synagogues were assaulted, and religious insignia and emblems were desecrated. A report of such an occurrence was contained in an official dispatch from the American Consul General in Leipzig, dated 5 April, 1943, which stated:

> "In Dresden several weeks ago uniformed Nazis raided the Jewish prayer house, interrupted the evening religious service, arrested 25 worshippers, and tore the holy insignia or emblems from their headcovering worn while praying." (*2709-PS*)

At a meeting in Nurnberg, before the representatives of the German press, Streicher and Mayor Liebel of Nurnberg revealed in advance to the gathered members of the press that the Nurnberg synagogue was to be destroyed. The minutes of this meeting, dated 4 August 1938, read as follows:

> "The breaking up of the synagogue
> (information must still be secret)
>
> "On August 10, 1938 at 10 o'clock a.m., the breakup of the

> synagogues will commence. Gauleiter Julius Streicher will personally set the crane into motion with which the Jewish symbols, Star of David, etc., will be torn down. This should be arranged in a big way. Closer details are still unknown." (*1724–PS*)

Streicher himself supervised the demolition, according to a newspaper account of 11 August 1938, which described the scene:

> "In Nurnberg the Synagogue is being demolished; Julius Streicher himself inaugurates the work by a speech lasting more than an hour and a half. By his order then—so to speak as a prelude of the demolition—the tremendous Star of David came off the cupola." (*2711–PS*)

These accounts of violence were not localized anti-Semitic demonstrations, but were directed and ordered from a centralized headquarters in Berlin. This fact is established by a series of teletype messages sent by the Berlin Secret State Police Headquarters to police chiefs throughout Germany on 10 November 1938, which contained instructions pertaining to the prearranged demonstration (*3051–PS*). One of these confidential orders, signed by Heydrich, provides:

> "Because of the attempt on the life of the Secretary of the Legation von Rath in Paris tonight, 9-10 November 1938, demonstrations against Jews are to be expected throughout the Reich. The following instructions are given on how to treat these events:
>
> "1. The Chiefs of the State Police, or their deputies, must get in telephonic contact with the political leaders who have jurisdiction over their districts and have to arrange a joint meeting with the appropriate inspector or commander of the Order Police to discuss the organization of the demonstrations. At these discussions the political leaders have to be informed that the German police has received from the Reichsfuehrer SS and Chief of the German Police the following instructions, in accordance with which the political leaders should adjust their own measures.
>
> "*a*. Only such measures should be taken which do not involve danger to German life or property. (For instance synagogues are to be burned down only when there is no danger of fire to the surroundings.)
>
> "*b*. Business and private apartments of Jews may be destroyed but not looted. The police is instructed to supervise the execution of this order and to arrest looters." (*3051–PS*)

4. THE PROGRAM FOR THE COMPLETE ELIMINATION OF JEWRY

At this point the gradual and mounting campaign against the Jews was prepared for the achievement of its ultimate violent ends. The German people had been indoctrinated, and the seeds of hatred had been sown. The German state was armed and prepared for conquest. The force of world opinion could now safely be ignored. Already the Nazi conspirators had forced out of Germany 200,000 of its former 500,000 Jews. The Nazi-controlled German state was therefore emboldened, and Hitler in anticipation of the aggressive wars already planned cast about for a provocation.

In his speech before the Reichstag on 30 January 1939, Hitler declared:

> "If the international Jewish financiers within and without Europe succeed in plunging the nations once more into a world war, the result will not be the Bolshevization of the world and the victory of Jewry, but the obliteration of the Jewish race in Europe." (*2663–PS*)

The chief editor of the official organ of the SS, the *"Schwarze Korps,"* expressed similar sentiments on 8 August 1940:

> "Just as the Jewish question will be solved for Germany only when the last Jew has been deported, so the rest of Europe should also realize that the German peace which awaits it must be a peace without Jews." (*2668–PS*)

Other officials of the Party and State voiced the same views. Rosenberg wrote for the publication "World Struggle," which in the April and September 1941 issues declared:

> "The Jewish question will be solved for Europe only when the last Jew has left the European continent." (*2665–PS*)

Hans Frank entered this apologetic note in his diary:

> "Of course, I could not eliminate all lice and Jews in only a year's time. But in the course of time, and above all, if you will help me, this end will be attained." (*2233–C–PS*)

A. *Registration.*

The first step in accomplishing the purpose of the Nazi Party and the Nazi-dominated state, to eliminate the Jew, was to require a complete registration of all Jews. Inasmuch as the anti-Jewish policy was linked with the program of German aggression, such registration was required not only within the Reich, but successively within the conquered territories. For example, registration was required, by decree, within Germany (*Reichsgesetzblatt* Part I, 1938, page 922, 23 July, signed by Frick); within Austria (*Reichsgesetzblatt,* Volume 1, 1940, page 694, 29 April); within Poland (*Kurjer Krakowski,* 24 October, 1939); in France (*Journal Official* No. 9, page 92, 30 September, 1940); in Holland (*Verordnungsblatt,* No. 16, 10 January, 1941, signed by Seyss-Inquart).

B. *Segregation into Ghettos.*

The second step was to segregate and concentrate the Jews within restricted areas, called ghettos. This policy was carefully worked out, as is illustrated by the confidential statement taken from the files of Rosenberg (*212–PS*). This memorandum of Rosenberg's, entitled "Directions for Handling of the Jewish Question", states:

> "The first main goal of the German measures must be strict segregation of Jewry from the rest of the population. In the execution of this, first of all, is the seizing of the Jewish population by the introduction of a registration order and similar appropriate measures * * *."

* * * * * * *

> " * * * All rights of freedom for Jews are to be withdrawn. They are to be placed in ghettos and at the same time are to be separated according to sexes. The presence of many more or less closed Jewish settlements in White Ruthenia and in the Ukraine makes this mission easier. Moreover, places are to be chosen which make possible the full use of the Jewish manpower in case labor needs are present. These ghettos can be placed under the supervision of a Jewish self-government with Jewish officials. The guarding of the boundaries between the ghettos and the outer world, is, however, the duty of the Police.
>
> "Also, in the cases in which a ghetto could not yet be established, care is to be taken through strict prohibitions and similar suitable measures that a further intermingling of blood of the Jews and the rest of the populace does not continue." (*212–PS*)

In May 1941 Rosenberg, as the Reich Minister for the Occupied Eastern Territories, issued directions confining the Jews to ghettos in the Ukraine:

> "After the customary removal of Jews from all public offices, the Jewish question will have to have a decisive solution, through the institution of ghettos." (*1028–PS*)

The policies set forth in the foregoing utterances of Rosenberg were not accidental, isolated, or the views of one individual. They were the expressed State policies. Von Schirach played his part in the program of ghettoization. His speech before the European Youth Congress held in Vienna on 14 September 1942 was reported on page 2, column 2 of the Vienna edition of the "*Voelkischer Beobachter*" of 15 September, as follows:

> "Every Jew who exerts influence in Europe is a danger to European culture. If anyone reproaches me with having driven from this city, which was once the European metropolis of Jewry, tens of thousands upon tens of thousands of Jews into the ghetto of the East, I feel myself compelled to reply: I see in this an action contributing to European culture." (*3048–PS*)

One of the largest ghettos was within the city of Warsaw. The official report made by SS Major General Stroop concerning this ghetto is entitled "The Warsaw Ghetto Is No More." (*1061–PS*)

The report thus describes the ghetto:

> "The Ghetto thus established in Warsaw was inhabited by about 400,000 Jews. It contained 27,000 apartments with an average of 2½ rooms each. It was separated from the rest of the city by partition and other walls, and by walling-up of the thoroughfares, windows, doors, open spaces, etc. * * *" (*1061–PS*)

Conditions within this ghetto are indicated in the statement of the report that an average of six persons lived in every room. (*1061–PS*)

Himmler received a report from the SS Brigade Fuehrer Group A, dated 15 October 1941, which further illustrates the establishment and operation of the ghettos. (*L–180*) The report states:

> "Apart from organizing and carrying out measures of execution, the creation of ghettos was begun in the larger towns at once during the first day of operations. This was especially urgent in Knowno because there were 30,000 Jews in a total population of 152,400."

* * * * * * * *

> "In Riga the so-called '*Moskau Suburb*' was designated as a ghetto. This is the worst dwelling district of Riga, already now mostly inhabited by Jews. The transfer of the Jews into the ghetto district proved rather difficult because the Latvians dwelling in that district had to be evacuated and residential space in Riga is very crowded. 24,000 of the 28,000 Jews living in Riga have been transferred into the ghetto so far. In creating the ghetto, the Security Police restricted themselves to mere policing duties, while the es-

> tablishment and administration of the ghetto as well as the regulation of the food supply for the inmates of the ghetto were left to civil administration; the labor officers were left in charge of Jewish labor.
>
> "In the other towns with a larger Jewish population ghettos shall be established likewise." (*L–180*)

Jews were forced into ghettos in the Polish Province of Galicia. The conditions in these ghettos are described in the report from Katzmann, Lt. General of Police, to Krueger, General of the Police East, dated 20 June 1943, and entitled "Solution of Jewish Question in Galicia." (*L–18*):

> "Nothing but catastrophical conditions were found in the ghettos of Rawa-Ruska and Rohatyn * * *."

* * * * * * *

> "* * * The Jews of Rawa-Ruska, fearing the evacuation, had concealed those suffering from spotted fever in underground holes. When evacuation was to start the police found that 3,000 Jews suffering from spotted fever lay about in this ghetto. In order to destroy this center of pestilence at once every police officer inoculated against spotted fever was called into action. Thus we succeeded to destroy this plague-boil, losing thereby only one officer. Almost the same conditions were found in Rohatyn * * *."

* * * * * * *

> "Since we received more and more alarming reports on the Jews becoming armed in an ever increasing manner, we started during the last fortnight in June 1943 an action throughout the whole of the district of Galicia with the intent to use strongest measures to destroy the Jewish gangsterdom. Special measures were found necessary during the action to dissolve the ghetto in Lwow where the dug-out mentioned above had been established. Here we had to act brutally from the beginning, in order to avoid losses on our side; we had to blow up, or to burn down several houses. On this occasion the surprising fact arose that we were able to catch about 20,000 Jews instead of 12,000 Jews who had registered. We had to pull at least 3,000 Jewish corpses out of every kind of hiding places; they had committed suicide by taking poison. * * *"

* * * * * * *

> "* * * Despite the extraordinary burden heaped upon every single SS-Police officer during these actions, mood and

> spirit of the men were extraordinarily good and praiseworthy from the first to the last day * * *." (*L–18*)

These acts of removal and slaughter were not entirely without profit. The report continues:

> "Together with the evacuation action, we executed the confiscation of Jewish property. Very high amounts were confiscated and paid over to the Special Staff 'Reinhard'. Apart from furniture and many textile goods, the following amounts were confiscated and turned over to Special Staff 'Reinhard' * * *
>
> "20.952 kilograms of gold wedding rings.
> 7 Stamp collections, complete.
> 1 Suit case with pocket knives.
> 1 basket of fountain pens and propelled pencils.
> 3 bags filled with rings—not genuine.
> 35 wagons of furs." (*L–18*)

The thoroughness of the looting is illustrated by an item listing 11.73 kilograms of gold teeth and inlays. (*L–18*)

By the end of 1942, Jews in the General Government of Poland had been crowded into fifty-five localities, whereas before the German invasion there had been approximately 1,000 Jewish settlements within this same area. This fact is reported in the 1942 Official Gazette for the General Government, No. 94, page 665, 1 November 1942.

C. *Forced Labor.*

The Jews, having been registered and confined within the ghettos, now furnished a reservoir for slave labor. The difference between slave labor and "labor duty" was this: the latter group were entitled to reasonable compensation, stated working hours, medical care and attention, and other social security measures, while the former were granted none of these advantages, being in fact, on a level below that of slaves.

Rosenberg set up within his organization for the Occupied Eastern Territories a department which, among other things, was to seek a solution for the Jewish problem by means of forced labor. His plans, contained in a memorandum entitled "General Organizations and Tasks of our Office for the General Handling of Problems in the Eastern Territory," and dated 29 April 1941, read as follows:

> "A general treatment is required for the Jewish problem for which a temporary solution will have to be determined (forced labor for the Jews, creation of Ghettos, etc.)." (*1024–PS*)

Thereafter Rosenberg issued instructions that Jewish forced labor should be utilized for every manual labor task:

> "The standing rule for the Jewish labor employment is the complete and unyielding use of Jewish manpower regardless of age in the reconstruction of the occupied eastern territories."
>
> * * * * * * *
>
> "Violations against German measures, especially against the forced labor regulations, are to be punished by death to the Jews." (*212–PS*)

From the ghettos Jewish labor was selected and sent to a concentration area. Here the usable Jews were screened from those considered worthless. For example, a contingent of 45,000 Jews could be expected to yield 10,000 to 15,000 usable laborers. This estimate is based on an RSHA telegram to Himmler, marked "Urgent" and "Secret", and dated 16 December 1942.

> "In the total of 45,000 are included physically handicapped and others (old Jews and children). In making a distribution for this purpose, at least 10,000 to 15,000 laborers will be available when the Jews arriving at Auschwitz are assigned." (*1472–PS*)

The report from Lieutenant General of Police, Katzmann, to General of the Police East, Krueger, clearly outlines the nature of the Jewish forced labor:

> "The best remedy consisted of the formation, by the SS and Police Leader, of forced labor camps. The best opportunity for labor was offered by the necessity to complete the 'Dg.4' road which was extremely important and necessary for the whole of the southern part of the front, and which was in a catastrophically bad condition. On October 15th 1941, the establishment of camps along the road was commenced, and despite considerable difficulties there existed, after a few weeks only, seven camps containing 4,000 Jews."
>
> * * * * * * *
>
> "Soon more camps followed these first ones, so that after a very short time the completion of fifteen camps of this kind could be reported to the Superior Leader of SS and Police. In the course of time about 20,000 Jewish laborers passed through these camps. Despite the hardly imaginable difficulties occurring at this work I can report today that about 160 kilometers of the road are completed."
>
> * * * * * * *
>
> "At the same time all other Jews fit for work were registered and distributed for useful work by the labor agencies

* * * When the Jews were marked by the Star of David, as well as when they were registered by the labor agencies, the first symptoms appeared in their attempts to dodge the order of the authorities. The measures which were introduced thereupon led to thousands of arrests. It became more and more apparent that the civil administration was not in a position to solve the Jewish problem in an approximately satisfactory manner. Then, for instance, the municipal administration at Lwow had no success in their attempts to house the Jews within a closed district which would be inhabited only by Jews. This question, too, was solved quickly by the SS and Police Leaders through subordinate officials. This measure became the more urgent as in the winter, 1941, big centers of spotted fever were noted in many parts of the town."

* * * * * * *

"During this removal of the Jews into a certain quarter of the town several sluices were erected at which all the work-shy and asocial Jewish rabble were caught during the screening and treated in a special way. Owing to the peculiar fact that almost 90% of artisans working in Galicia were Jews, the task to be solved could be fulfilled only step by step, since an immediate evacuation would not have served the interest of War Economy."

* * * * * * *

"* * * Cases were discovered where Jews, in order to acquire any certificate of labor, not only renounced all wages, but even paid money themselves. Moreover, the organizing of Jews for the benefit of their employers grew to such catastrophical extent that it was deemed necessary to interfere in the most energetic manner for the benefit of the German name. Since the administration was not in a position and showed itself too weak to master this chaos, the SS and Police Leader simply took over the entire disposition of labor for Jews. The Jewish labor agencies, which were manned by hundreds of Jews, were dissolved. All certificates of labor given by firms or administrative offices were declared invalid, and the cards given to the Jews by the labor agencies were revalidated by the police offices by stamping them. In the course of this action, again, thousands of Jews were caught who were in possession of forged certificates or who had obtained, surreptitiously, certificates of labor by all kinds of pretexts. These Jews also were exposed to special treatment." (*L–18*)

D. *Extermination.*

(At this point a strip of motion picture footage taken, presumably, by a member of the SS, and captured by the United States military forces in an SS barracks near Augsburg, Germany, was shown to the tribunal. The film depicts what is believed to be the extermination of a ghetto by Gestapo agents, assisted by military units.

The following scenes are representative:

Scene 2: A naked girl running across the courtyard.

Scene 3: An older woman being pushed past the camera, and a man in SS uniform standing at the right of the scene.

Scene 5: A man with a skull cap and a woman are manhandled.

Scene 14: A half-naked woman runs through the crowd.

Scene 15: Another half-naked woman runs out of the house.

Scene 16: Two men drag an old man out.

Scene 18: A man in German military uniform, with his back to the camera, watches.

Scene 24: A general shot of the street, showing fallen bodies and naked women running.

Scene 32: A shot of the street, showing five fallen bodies.

Scene 37: A man with a bleeding head is hit again.

Scene 39: A soldier in German military uniform, with a rifle, stands by as a crowd centers on a man coming out of the house.

Scene 44: A soldier with a rifle, in German military uniform, walks past a woman clinging to a torn blouse.

Scene 45: A woman is dragged by her hair across the street.)

The means of accomplishing the extermination of the Jews are discussed in the diary of Hans Frank, then Governor General of Occupied Poland (*2233-D-PS*). In a cabinet session on Tuesday, 16 December 1941 in the Government Building at Cracow, Frank made a closing address, as follows:

> "As far as the Jews are concerned, I want to tell you quite frankly that they must be done away with in one way or another. The Fuehrer said once: 'Should united Jewry again succeed in provoking a world-war, the blood of not only the nations which have been forced into the war by them, will be shed, but the Jew will have found his end in Europe'. I know that many of the measures carried out against the Jews in the Reich at present are being criticized. It is being tried intentionally, as is obvious from the reports on the morale, to talk about cruelty, harshness, etc. Before I continue, I want to beg you to agree with me on the following formula: We will principally have pity on the German people only, and

nobody else in the whole world. The others, too, had no pity on us. As an old National-Socialist, I must say: This war would only be a partial success if the whole lot of Jewry would survive it, while we would have shed our best blood in order to save Europe. My attitude towards the Jews will, therefore, be based only on the expectation that they must disappear. They must be done away with. I have entered negotiations to have them deported to the East. A great discussion concerning that question will take place in Berlin in January, to which I am going to delegate the State Secretary Dr. Buehler. That discussion is to take place in the Reich Security Main Office with SS-Lt. General Heydrich. A great Jewish migration will begin, in any case.

"But what should be done with the Jews? Do you think they will be settled down in the 'Ostland', in villages? This is what we were told in Berlin: Why all this bother? We can do nothing with them either in the 'Ostland' nor in the 'Reichkommissariat'. So liquidate them yourself.

"Gentlemen, I must ask you to rid yourself of all feeling of pity. We must annihilate the Jews, wherever we find them and wherever it is possible, in order to maintain there the structure of the Reich as a whole. This will, naturally, be achieved by other methods than those pointed out by Bureau Chief Dr. Hummel. Nor can the judges of the Special Courts be made responsible for it, because of the limitations of the framework of the legal procedure. Such outdated views cannot be applied to such gigantic and unique events. We must find at any rate a way which leads to the goal, and my thoughts are working in that direction.

"The Jews represent for us also extraordinarily malignant gluttons. We have now approximately 2,500,000 of them in the General Government, perhaps with the Jewish mixtures and everything that goes with it, 3,500,000 Jews. We cannot shoot or poison those 3,500,000 Jews, but we shall nevertheless be able to take measures, which will lead, somehow, to their annihilation, and this in connection with the gigantic measures to be determined in discussions from the Reich. The General Government must become free of Jews, the same as the Reich. Where and how this is to be achieved is a matter for the offices which we must appoint and create here. Their activities will be brought to your attention in due course." (*2233-D-PS*)

This was not the planning and scheming of an irresponsible individual, but the expression by the Governor General of Occupied Poland, of the official policy of the German State.

Rosenberg's notion of the means to be taken against the Jews is expressed in a secret "Document Memorandum for the Fuehrer—Concerning: Jewish Possessions in France," dated 18 December 1941. Rosenberg urges plundering and death:

> "* * * In compliance with the order of the Fuehrer for protection of Jewish cultural possessions, a great number of Jewish dwellings remained unguarded. Consequently, many furnishings have disappeared because a guard could, naturally, not be posted. In the whole East the administration has found terrible conditions of living quarters, and the chances of procurement are so limited that it is not practical to procure any more. Therefore, I beg the Fuehrer to permit the seizure of all Jewish home furnishings of Jews in Paris, who have fled or will leave shortly, and that of Jews living in all parts of the occupied West, to relieve the shortage of furnishings in the administration in the East.
>
> "2. A great number of leading Jews were, after a short examination in Paris, again released. The attempts on the lives of members of the armed forces have not stopped; on the contrary they continue. This reveals an unmistakable plan to disrupt the German-French cooperation, to force Germany to retaliate, and, with this, evoke a new defense on the part of the French against Germany. I suggest to the Fuehrer that, instead of executing 100 Frenchmen, we substitute 100 Jewish bankers, lawyers, etc. It is the Jews in London and New York who incite the French communists to commit acts of violence, and it seems only fair that the members of this race should pay for this. It is not the little Jews, but the leading Jews in France, who should be held responsible. That would tend to awaken the Anti-Jewish sentiment.
>
> "(Signed) A. Rosenberg." (*001-PS*)

(1) *Starvation.* Chief among the methods utilized for the annihilation of the Jewish people was starvation. Policies were designed and adopted to deprive the Jews of the most elemental necessities of life. Hans Frank, then Governor General of Poland, wrote in his diary that hunger rations were introduced in the Warsaw Ghetto (*2233-E-PS*). Referring to the new food regulations of August 1942, he noted that by these food regulations more than one million Jews were virtually condemned to death.

> "That we sentence 1,200,000 Jews to die of hunger should be noted only marginally. It is a matter of course that should the Jews not starve to death it would we hope result in a speeding up of the anti-Jewish measures." (*2233-E-PS*)

In pursuance of the deliberate policy of Jewish starvation, Jews were prohibited from pursuing agricultural activities in order to cut them off from access to sources of food. A document entitled "Provisional Directives on the Treatment of Jews", issued by the Reichscommissar for the Ostland, provided:

> "Jews must be cleaned out from the countryside. The Jews are to be removed from all trades, especially from trade with agricultural products and other foodstuffs." (*1138-PS*)

Jews were also excluded from the purchase of basic food, such as wheat products, meat, eggs, and milk. A decree dated 18 September 1942, from the Ministry of Agriculture, provided:

> "Jews will no longer receive the following foods, beginning with the 42nd distribution period (19 October 1942): meat, meat products, eggs, wheat products (cake, white bread, wheat rolls, wheat flour, etc.) whole milk, fresh skimmed milk, as well as such food distributed not on food ration cards issued uniformly throughout the Reich but on local supply certificates or by special announcement of the nutrition office on extra coupons of the food cards. Jewish children and young people over ten years of age will receive the bread ration of the normal consumer." (*1347-PS*)

The sick, the old, and pregnant mothers were excluded from the special food concessions allotted to non-Jews. Seizure by the State Police of food shipments to Jews from abroad was authorized, and Jewish ration cards were distinctly marked with the word "Jew" in color across the face of the cards, so that the storekeepers could readily identify and discriminate against Jewish purchasers.

According to page 110 of an official document of the Czechoslovakian government published in 1943 and entitled "Czechoslovakia Fights Back," Jewish food purchases were confined to certain areas, to certain days, and to certain hours. As might be expected, the period permitted for the purchases occurred during the time when food stocks were likely to be exhausted. (*1689-PS*)

By Special Order No. 44 for the Eastern Occupied Territories, dated 4 November 1941, Jews were limited to rations as low as only one-half of the lowest basic category of other people, and the Ministry of Agriculture was empowered to exclude Jews entirely or partially from obtaining food thus exposing the Jewish community to death by starvation. A bulletin issued by the Polish

Ministry of Information, dated 15 December 1942, concludes that upon the basis of the nature of the separate rationing and the amount of food available to Jews in the Warsaw and Cracow ghettos, the system was designed to bring about starvation:

> "In regard to food supplies they are brought under a completely separate system, which is obviously aimed at depriving them of the most elemental necessities of life." (*L–165*)

(2) *Annihilation.* Annihilation within the ghettos is illustrated and glorified in the report of Major General of the Police Stroop, entitled "The Warsaw Ghetto is No More." (*1061–PS*)

This report bound in leather profusely illustrated, typed on heavy bond paper, and almost 75 pages in length, is the almost unbelievable recital of a proud accomplishment by Stroop, who signed the report with a bold hand. Stroop in his report first pays tribute to the bravery and heroism of the German forces who participated in the ruthless actions against a defenseless group of Jews numbering, to be exact 56,065—including infants and women. His report relates day-by-day progress in the accomplishment of his mission—to destroy and to obliterate the Warsaw Ghettto. According to this report, the ghetto, which was established in Warsaw in November 1940, was inhabited by about 400,000 Jews; and prior to the action for the destruction of this Ghetto, some 316,000 had already been deported.

These are some of the boastful and vivid accounts of the scenes within the Warsaw Ghetto:

> "The resistance put up by the Jews and bandits could be broken only by relentlessly using all our forces and energy by day and night. On 23 April 1943 the Reichsfuehrer SS issued through the Higher SS and Police Fuehrer East at Cracow his order to complete the combing out of the Warsaw Ghetto with the greatest severity and relentless tenacity. I therefore decided to destroy the entire Jewish residential area by setting every block on fire, including the blocks of residential buildings near the armament works. One concern after the other was systematically evacuated and subsequently destroyed by fire. The Jews then emerged from their hiding places and dugouts in almost every case. Not infrequently, the Jews stayed in the burning buildings until, because of the heat and the fear of being burned alive, they preferred to jump down from the upper stories after having thrown mattresses and other upholstered articles into the street from the burning buildings. With their bones broken, they still tried to crawl across the street into blocks of

buildings which had not yet been set on fire or were only partially in flames. Often the Jews changed their hiding places during the night, by moving into the ruins of burnt-out buildings, taking refuge there until they were found by our patrols. Their stay in the sewers also ceased to be pleasant after the first week. Frequently from the street, we could hear loud voices coming through the sewer shafts. Then the men of the Waffen SS, the Police or the *Wehrmacht* Engineers courageously climbed down from the shafts to bring out the Jews and not infrequently they then stumbled over Jews already dead, or were shot at. It was always necessary to use smoke candles to drive out the Jews. Thus one day we opened 183 sewer entrance holes, and at a fixed time lowered smoke candles into them, with the result that the bandits fled from what they believed to be gas in the center of the former Ghetto, where they could then be pulled out of the sewer holes there. A great number of Jews who could not be counted were exterminated by blowing up sewers and dugouts.

"The longer the resistance lasted the tougher the men of the Waffen SS, Police, and *Wehrmacht* became. They fulfilled their duty indefatigably in faithful comradeship, and stood together as models and examples of soldiers. Their duty hours often lasted from early morning until late at night. At night search patrols with rags wound round their feet remained at the heels of the Jews and gave them no respite. Not infrequently they caught and killed Jews who used the night hours for supplementing their stores from abandoned dugouts and for contacting neighboring groups or exchanging news with them.

"Considering that the greater part of the men of the Waffen SS had only been trained for three to four weeks before being assigned to this action, high credit should be given to the pluck, courage and devotion to duty which they showed. It must be stated that the *Wehrmacht* Engineers, too, executed the blowing up of dugouts, sewers and concrete buildings with indefatigability and great devotion to duty. Officers and men of the police, a large part of whom had already been at the front, again excelled by their dashing spirit.

"Only through the continuous and untiring work of all involved did we succeed in catching a total of 56,065 Jews whose extermination can be proved. To this should be

> added the number of Jews who lost their lives in explosions or fires, but whose number could not be ascertained." (*1061–PS*)

At the beginning of his report Stroop lists the losses of German troops:

> "For the Fuehrer and their country the following fell in the battle for the destruction of Jews and bandits in the former ghetto of Warsaw * * *" [Fifteen names are thereafter listed].
>
> "Furthermore, the Polish police sergeant Julian Zielinski, born 13 November 1891, 8th Commissariat, fell on 19 April 1943 while fulfilling his duty. They gave their utmost, their life. We shall never forget them.
>
> "The following were wounded * * *" [There follow the names of 60 Waffen SS personnel] "11 watchmen from training camps, probably Lithuanians; 12 Security Police officers in SS units; 5 men of the Polish Police; and 2 regular army personnel, engineers." (*1061–PS*)

The story continues in the daily teletype reports, from which the following are excerpts:

> "Our setting the block on fire achieved the result in the course of the night that those Jews whom we had not been able to find despite all our search operations left their hideouts under the roofs, in the cellars, and elsewhere, and appeared on the outside of the buildings, trying to escape the flames. Masses of them—entire families—were already aflame and jumped from the windows or endeavored to let themselves down by means of sheets tied together or the like. Steps had been taken so that these Jews as well as the remaining ones were liquidated at once."

* * * * * * *

> "When the blocks of buildings mentioned above were destroyed, 120 Jews were caught and numerous Jews were destroyed when they jumped from the attics to the inner courtyards, trying to escape the flames. Many more Jews perished in the flames or were destroyed when the dugouts and sewer entrances were blown up."

* * * * * * *

> "Not until the blocks of buildings were well aflame and were about to collapse did a further considerable number of Jews emerge, forced to do so by the flames and the smoke. Time and again the Jews try to escape even through burning buildings. Innumerable Jews whom we saw on the roofs

> during the conflagration perished in the flames. Others emerged from the upper stories in the last possible moment and were only able to escape death from the flames by jumping down. Today we caught a total of 2,283 Jews, of whom 204 were shot, and innumerable Jews were destroyed in dugouts and in the flames."
>
> * * * * * * *
>
> "The Jews testify that they emerge at night to get fresh air, since it is unbearable to stay permanently within the dugouts owing to the long duration of the operation. On the average the raiding parties shoot 30 to 50 Jews each night. From these statements it was to be inferred that a considerable number of Jews are still underground in the Ghetto. Today we blew up a concrete building which we had not been able to destroy by fire. In this operation we learned that the blowing up of a building is a very lengthy process and takes an enormous amount of explosives. The best and only method for destroying the Jews therefore still remains the setting of fires."
>
> * * * * * * *
>
> "Some depositions speak of three to four thousand Jews who still remain in underground holes, sewers, and dugouts. The undersigned is resolved not to terminate the large-scale operation until the last Jew has been destroyed." (*1061–PS*)

The teletype message of 15 May 1945 indicates that the operation is in its last stage:

> "A special unit once more searched the last block of buildings which was still intact in the Ghetto, and subsequently destroyed it. In the evening the chapel, mortuary, and all other buildings in the Jewish cemetery were blown up or destroyed by fire." (*1061–PS*)

On 24 May 1943 the final figures were compiled by Major General Stroop:

> "Of the total of 56,065 caught, about 7,000 were destroyed in the former Ghetto during large-scale operation. 6,929 Jews were destroyed by transporting them to T.II [believed to be Treblinka Camp No. 2]. The sum total of Jews destroyed is therefore 13,929. Beyond the number of 56,065 an estimated number of 5 to 6,000 Jews were destroyed by being blown up or by perishing in the flames." (*1061–PS*)

It was not always necessary, or perhaps desirable, to place the Jews within Ghettos to effect elimination. In the Baltic States a more direct course of action was followed. According to a report by SS Brigade Fuehrer Stahlecker to Himmler, dated 15

October 1941, entitled "Action Group A," which was found in Himmler's private files, 135,567 persons, nearly all Jews, were murdered in accordance to basic orders directing the complete annihilation of Jews. SS Brigade Fuehrer Stahlecker continues his report:

> "* * * To our surprise it was not easy at first to set in motion an extensive pogrom against the Jews. Klimatis, the leader of the partisan unit, mentioned above, who was used for this purpose primarily, succeeded in starting a pogrom on the basis of advice given to him by a small advanced detachment acting in Kowno and in such a way that no German order or German instigation was noticed from the outside. During the first pogrom in the night from 25 to 26 June the Lithuanian partisans did away with more than 1,500 Jews, setting fire to several synagogues or destroying them by other means and burning down a Jewish dwelling district consisting of about 60 houses. During the following nights about 2,300 Jews were made harmless in a similar way. * * *"

* * * * * * *

> "It was possible, though, through similar influences on the Latvian auxiliary to set in motion a pogrom against the Jews also in Riga. During this pogrom all synagogues were destroyed and about 400 Jews were killed." (*L–180*)

Nazi ingenuity reached its zenith with the construction and operation of the gas van as a means of mass annihilation of the Jews. A description of the operation of these vehicles of death is fully set forth in a captured Top Secret document dated 16 May 1942, addressed to SS Obersturmbannfuehrer Rauff, 8 Prince Albrecht-Strasse, Berlin, from Dr. Becker, SS Untersturmfuehrer. The report reads in part:

> "The overhauling of vans by groups D and C is finished. While the vans of the first series can also be put into action if the weather is not too bad, the vans of the second series (*Saurer*) stop completely in rainy weather. If it has rained for instance for only one half hour, the van cannot be used because it simply skids away. It can only be used in absolutely dry weather. It is only a question now whether the van can only be used standing at the place of execution. First the van has to be brought to that place, which is possible only in good weather. The place of execution is usually 10 to 15 km away from the highways and is difficult of access because of its location; in damp or wet weather it is not accessible at all. If the persons to be executed are

driven or led to that place, then they realize immediately what is going on and get restless, which is to be avoided as far as possible. There is only one way left; to load them at the collecting point and to drive them to the spot.

"I ordered the vans of group D to be camouflaged as house-trailers by putting one set of window shutters on each side of the small van and two on each side of the larger vans, such as one often sees on farm houses in the country. The vans became so well-known, that not only the authorities but also the civilian population called the van 'death van', as soon as one of these vehicles appeared. It is my opinion the van cannot be kept secret for any length of time, not even camouflaged."

* * * * * * *

"Because of the rough terrain and the indescribable road and highway conditions the caulkings and rivets loosen in the course of time. I was asked if in such cases the vans should be brought to Berlin for repair. Transportation to Berlin would be much too expensive and would demand too much fuel. In order to save those expenses I ordered them to have smaller leaks soldered and if that should no longer be possible, to notify Berlin immediately by radio, that Pol.Nr. is out of order. Besides that I ordered that during application of gas all the men were to be kept as far away from the vans as possible, so they should not suffer damage to their health by the gas which eventually would escape. I should like to take this opportunity to bring the following to your attention: several commands have had the unloading after the application of gas done by their own men. I brought to the attention of the commanders of those S.K. concerned the immense psychological injuries and damages to their health which that work can have for those men, even if not immediately, at least later on. The men complained to me about headaches which appeared after each unloading. Nevertheless they don't want to change the orders, because they are afraid prisoners called for that work, could use an opportune moment to flee. To protect the men from those damages, I request orders be issued accordingly.

"The application of gas usually is not undertaken correctly. In order to come to an end as fast as possible, the driver presses the accelerator to the fullest extent. By doing that the persons to be executed suffer death from suffocation and not death by dozing off as was planned. My directions now have proved that by correct adjustment of the levers

> death comes faster and the prisoners fall asleep peacefully. Distorted faces and excretions, such as could be seen before, are no longer noticed.
>
> "Today I shall continue my journey to group B, where I can be reached with further news.
>
> "Signed: Dr. Becker, SS Untersturmfuehrer." (*501–PS*)

A letter signed by Hauptsturmfuehrer Truehe on the subject of S-vans, addressed to the Reich Security Main Office, Room 2-D-3-A, Berlin, and marked "Top Secret," establishes that the vans were used for the annihilation of the Jews. The message reads:

> "A transport of Jews, which has to be treated in a special way, arrives weekly at the office of the commandant of the Security Police and the Security Service of White Ruthenia.
>
> "The three S-vans which are there are not sufficient for that purpose. I request assignment of another S-van (five tons). At the same time I request the shipment of twenty gas hoses for the three S-vans on hand (two Diamond, one Saurer), since the ones on hand are leaky already.
>
> (signed) The Commandant of the Security Police and the Security Service, Ostland." (*501–PS*)

It appears that a certain amount of discord existed between officials of the German government as to the proper means and methods to be used in connection with the extermination program. A secret report dated 18 June 1943, addressed to Rosenberg, complained that five thousand Jews killed by the police and SS might have been used for forced labor, and chided them for failing to bury the bodies of those liquidated:

> "The fact that Jews receive special treatment requires no further discussion. However, it appears hardly believable that this is done in the way described in the report of the General Commissioner of 1 June 1943. What is Katyn against that? Imagine only that these occurrences would become known to the other side and exploited by them! Most likely such propaganda would have no effect only because people who hear and read about it simply would not be ready to believe it."
>
> * * * * * * *
>
> "To lock men, women, and children into barns and to set fire to them does not appear to be a suitable method of combatting bands, even if it is desired to exterminate the population. This method is not worthy of the German cause and hurts our reputation severely." (*R–135*)

Gunther, the prison warden at Minsk, in a letter dated 31 May

1943, addressed to the General Commissioner for White Ruthenia, was critical by implication. This letter, entitled, "Action Against Jews," reads:

> "On 13 April 1943 the former German dentist Ernst Israel Tichauer and his wife, Elisa Sara Tichauer, nee Rosenthal, were committed to the court prison by the Security Service. Since that time all German and Russian Jews who were turned over to us had their golden bridgework, crowns, and fillings pulled or broken out. This happens always one to two hours before the respective action.
>
> "Since 13 April 1943, 516 German and Russian Jews have been finished off. On the basis of a definite investigation gold was taken only in two actions—on 14 April 1943 from 172, and on 27 April 1943 from 164 Jews. About fifty percent of the Jews had gold teeth, bridgework, or fillings. *Hauptscharfuehrer* Rube of the Security Service was always personally present and he took the gold along, too.
>
> "Before 13 April 1943 this was not done.
>
> (signed) Gunther, Prison Warden." (*R–135*)

The foregoing letter was forwarded to Rosenberg, as Reich Minister for the Occupied Eastern Territories, on June 1943. The covering letter to Rosenberg reads:

> "The enclosed official report from the warden of the prison in Minsk is submitted to the Reich Minister and the Reich Commissar for Information.
>
> "(signed) The General Commissar in Minsk." (*R–135*)

A further complaint is contained in a secret letter addressed to General of Infantry, Thomas, Chief of the International Armament Department, dated 2 December 1941 (*3257–PS*). The writer of this letter apprehensively stated his reason for not forwarding the communication through official channels:

> "For the personal information of the Chief of the Industrial Armament Department I am forwarding a total account of the present situation in the Reichskommissariat Ukraine in which the difficulties and tensions encountered so far and the problems which give rise to serious anxiety are stated with unmistakable clarity.
>
> "Intentionally I have desisted from submitting such a report through official channels or to make it known to other departments interested in it because I do not expect any results that way, but to the contrary am apprehensive that the difficulties and tensions and also the divergent opinions might only be increased due to the peculiarity of the situation."

* * * * * * *

"Jewish problem:

"Regulation of the Jewish question in the Ukraine was a difficult problem because the Jews constituted a large part of the urban population. We therefore have to deal—just as in the General Government—with a mass problem of policy concerning the population. Many cities had a percentage of Jews exceeding fifty percent. Only the rich Jews had fled from the German troops. The majority of Jews remained under German administration. The latter found the problem more complicated through the fact that these Jews represented almost the entire trade and even a part of the manpower in small and medium industries besides the business which had in part become superfluous as a direct or indirect result of the war. The elimination therefore necessarily had far-reaching economic consequences and even direct consequences for the armament industry (production for supplying the troops)."

* * * * * * *

"The attitude of the Jewish population was anxious — obliging from the beginning. They tried to avoid everything that might displease the German administration. That they hated the German administration and army inwardly goes without saying and cannot be surprising. However, there is no proof that Jewry as a whole or even to a greater part was implicated in acts of sabotage. Surely there were some terrorists or saboteurs among them just as among the Ukrainians. But it cannot be said that the Jews as such represented a danger to the German armed forces. The output produced by Jews who, of course, were prompted by nothing but the feeling of fear, was satisfactory to the troops and the German administration.

"The Jewish population remained temporarily unmolested shortly after the fighting. Only weeks, sometimes months later, specially detached formations of the police executed a planned shooting of Jews. The action as a rule proceeded from east to west. It was done entirely in public with the use of the Ukrainian militia, and unfortunately in many instances also with members of the armed forces taking part voluntarily. The way these actions, which included men and old men, women, and children of all ages were carried out was horrible. The great masses executed make this action more gigantic than any similar measure taken so far in the Soviet Union. So far about 150,000 to 200,000 Jews may have been

> executed in the part of the Ukraine belonging to the Reichskommissariat; no consideration was given to the interests of economy.
>
> "Summarizing, it can be said that the kind of solution of the Jewish problem applied in the Ukraine which obviously was based on the ideological theories as a matter of principle had the following results:
>
> "(*a*) Elimination of a part of partly superfluous eaters in the cities.
>
> "(*b*) Elimination of a part of the population which hated us undoubtedly.
>
> "(*c*) Elimination of badly needed tradesmen who were in many instances indispensable even in the interests of the armed forces.
>
> "(*d*) Consequences as to foreign policy—propaganda which are obvious.
>
> "(*e*) Bad effects on the troops which in any case get indirect contact with the executions.
>
> "(*f*) Brutalizing effect on the formations which carry out the execution—regular police." (*3257–PS*)

Lest it be thought that these conditions existed only in the East, the official Netherlands government report by the Commissioner for Repatriation as relates similar treatment of the Jews in the West (*1726–PS*). The German measures taken against the Dutch Jews—discriminatory decrees, anti-semitic demonstrations, burning of synagogues, purging of Jews from the economic life of their country, food restrictions, forced labor, concentration camp confinement, deportation, and death — all these measures follow the same pattern that was effected throughout Nazi-occupied Europe. The official Netherlands report states that full Jews, liable to deportation, numbered 140,000. The total number of actual Jewish deportees was 117,000, representing more than eighty-three per cent of all the Jews in the Netherlands. Of these, 115,000 were deported to Poland for slave labor, and after departure all trace of them was lost. Regardless of victory or defeat to Germany, the Jew was doomed. It was the expressed intent of the Nazi state that whatever the German fate might be the Jew would not survive. (*1726–PS*)

A Top Secret message from the commandant of the SIPO and SD for the Radom District, addressed to SS Hauptsturmfuehrer Thiel on the subject, "Clearance of Prisons," reads as follows:

> "I again stress the fact that the number of inmates of the SIPO and SD prisons must be kept as low as possible. In the

> present situation, particularly, those suspects handed over by the civil police need only be subjected to a short, formal interrogation, provided there are no serious grounds for suspicion. They are then to be sent by the quickest route to a concentration camp, should no court martial proceeding be necessary or should there be no question of discharge. Please keep the number of discharges very low. Should the situation at the front necessitate it, early preparations are to be made for the total clearance of prisons. Should the situation develop suddenly in such a way that it is impossible to evacuate the prisoners, the prison inmates are to be liquidated and their bodies disposed of as far as possible (burning, blowing up the building, etc.). If necessary, Jews still employed in the armament industry or on other work are to be dealt with in the same way.
>
> "The liberation of prisoners or Jews by the enemy, be it the WB [perhaps means 'West-Bund,' or 'Western Ally'] or the Red Army, must be avoided under all circumstances, nor may they fall into their hands alive." (*L–53*)

(3) *Mass Disposal of Jews in Concentration Camps.* The concentration camps were utilized to dispose of literally millions of Jews, who died by mass shooting, gas, poison, starvation, and other means. The part which the concentration camps played in the annihilation of the Jewish people is indicated in an official Polish report on Auschwitz Concentration Camp (*L–161*). In Auschwitz during July 1944 Jews were killed at the rate of 12,000 daily:

> "* * * During July 1944, they were being liquidated at the rate of 12,000 Hungarian Jews daily, and as the crematory could not deal with such numbers, many bodies were thrown into large pits and covered with quick lime." (*L–161*)

The official Polish Government Commission Report on the Investigation of German crimes in Poland describes the concentration camp at Treblinka in these terms:

> "* * * In March 1942, the Germans began to erect another camp, Treblinka B, in the neighborhood of Treblinka A, intended to become a place of torment for Jews.
>
> "The erection of this camp was closely connected with the German plans aiming at a complete destruction of the Jewish population in Poland which necessitated the creation of a machinery by means of which the Polish Jews could be killed in large numbers. Late in April 1942, the erection of the first three chambers was finished in which these general massacres

> were to be performed by means of steam. Somewhat later the erection of the real death building was finished, which contains ten death chambers. It was opened for wholesale murders early in autumn 1942 * * *." (*3311–PS*)

The report of the Polish commission describes graphically the procedure for extermination within the camp:

> "* * * The average number of Jews dealt with at the camp in summer 1942 was about two railway transports daily, but there were days of much higher efficiency. From autumn 1942 this number was falling.
>
> "After unloading in the siding all victims were assembled in one place where men were separated from women and children. In the first days of the existence of the camp the victims were made to believe that after a short stay in the camp, necessary for bathing and disinfection, they would be sent farther east, for work. Explanations of this sort were given by SS men who assisted at the unloading of the transports and further explanations could be read in notices stuck up on the walls of the barracks. But later, when more transports had to be dealt with, the Germans dropped all pretenses and only tried to accelerate the procedure.
>
> "All victims had to strip off their clothes and shoes, which were collected afterwards, whereupon all victims, women and children first, were driven into the death chambers. Those too slow or too weak to move quickly were driven on by rifle butts, by whipping and kicking, often by Sauer himself. Many slipped and fell, the next victims pressed forward and stumbled over them. Small children were simply thrown inside. After being filled up to capacity the chambers were hermetically closed and steam was let in. In a few minutes all was over. The Jewish menial workers had to remove the bodies from the platform and to bury them in mass graves. By and by, as new transports arrived, the cemetery grew, extending in eastern direction.
>
> "From reports received, it may be assumed that several hundred thousands of Jews have been exterminated in Treblinka." (*3311–PS*)

An official United States government report issued by the Executive Office of the President of the United States, War Refugee Board, on the German camps at Auschwitz and Birkenau, sets forth the number of Jews gassed in Birkenau in the two-year period between April 1942 and April 1944. The figure printed in this report is not a typographical error. The number is 1,765,000. (*L–22*)

5. RESULTS OF THE EXTERMINATION PROGRAM

The huge scale of the Jewish eliminations is also reflected in the bookkeeping and statistics of the Germans themselves. The 16 December 1941 entry in the diary of Hans Frank contains these figures:

> "The Jews for us also represent extraordinarily malignant gluttons.
>
> "We have now approximately 2,500,000 of them in General Government—perhaps with the Jewish mixtures, and everything that goes with it, 3,500,000 Jews." (*2233-D-PS*)

On 25 January 1944, three years and one month later, Frank wrote in his diary these words:

> "At the present time we still have in the General Government perhaps 100,000 Jews." (*2233-F-PS*)

Thus, in this period of three years, according to the records of the then Governor General of Occupied Poland, between 2,400,000 and 3,400,000 Jews had been eliminated.

The total number of Jews who died by Nazi hands can never be definitely ascertained. It is known, however, that 4 million Jews died in concentration camps, and that 2 million Jews were killed by the State Police in the East, making a total of 6 million murdered Jews. The source of these figures is Adolph Eichmann, Chief of the Jewish Section of the Gestapo. The figures are contained in an affidavit made by Dr. Wilhelm Hoettl, Deputy Group Leader of the Foreign Section of the Security Section, AMT VI, of the RSHA. Hoettl, in his affidavit, states as follows:

> "Approximately 4 million Jews had been killed in the various concentration camps, while an additional 2 million met death in other ways, the major part of which were shot by operational squads of the Security Police during the campaign against Russia." (*2738-PS*)

Hoettl describes the source of his information as follows:

> "According to my knowledge, Eichmann was at that time the leader of the Jewish Section of the Gestapo, and in addition to that he had been ordered by Himmler to get a hold of the Jews in all the European countries and to transport them to Germany. Eichmann was then very much impressed with the fact that Rumania had withdrawn from the war in those days. Moreover, he had come to me to get information about the military situation which I received daily from the Hungarian Ministry of War and from the Commander of the Waffen-SS in Hungary. He expressed his conviction that Germany had now lost the war and that he personally had no

further chance. He knew that he would be considered one of the main war criminals by the United Nations, since he had millions of Jewish lives on his conscience. I asked him how many that was, to which he answered that although the number was a great Reich secret, he would tell me since I, as a historian, would be interested, and that he would probably not return anyhow from his command in Rumania. He had, shortly before that, made a report to Himmler, as the latter wanted to know the exact number of Jews who had been killed." (*2738–PS*)

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*L-22	Public reports of War Refugee Board, Washington, on German Extermination Camps Auschwitz and Birkenau, April 1944. (USA 294)	VII	771
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Chapter XIII

GERMANIZATION AND SPOLIATION

The Nazi conspirators had made plans for the Germanization and spoliation of their conquered territories. Plans to Germanize meant plans to assimilate conquered territories politically, culturally, socially, and economically into the German Reich. Germanization meant the obliteration of the former national character of the conquered territories and the extermination of all elements which could not be reconciled with the Nazi ideology. Plans for spoliation meant plans to plunder public and private property and, in general, to exploit the people and natural resources of occupied countries.

1. POLAND

Poland was, in a sense, the testing ground for the conspirators' theories of "lebensraum." The four western provinces of Poland were purportedly incorporated into Germany by an order of 8 October 1939. This order, which was signed by Hitler, Lammers, Goering, Frick, and Hess, is set forth in 1939 *Reichsgesetzblatt*, Part I, p. 2042. These areas of Poland are frequently referred to in correspondence between the conspirators as the "incorporated Eastern territories". The remainder of Poland which was seized by the Nazi invaders was established as the Government-General of Poland by an order of Hitler, dated 12 October 1939. By that same order, Hans Frank was named Governor-General of the newly-created Government-General, and Seyss-Inquart was named Deputy Governor General. This order is set forth in 1939 *Reichsgesetzblatt*, Part I, p. 2077.

The plans with respect to Poland, which will appear gradually from the individual documents hereafter discussed, followed a broad pattern, as follows:

First: The conspirators specifically planned to exploit the people and material resources of the Government-General of Poland in order to strengthen the Nazi war machine, to impoverish the Government-General, and to reduce it to a vassal state. At a later stage, plans were formulated for creating islands of German settlements in the more fertile regions of the Government-General in order to engulf the native Polish population and accelerate the process of Germanization.

Second: The incorporated area of Poland, which was deemed to be a part of the German Reich, was to be ruthlessly Germanized.

To that end, the conspirators planned:

(*a*) To permit the retention of the productive facilities in the incorporated area, all of which were to be dedicated to the Nazi war machine.

(*b*) They planned to deport to the Government-General many hundreds of thousands of Jews, members of the Polish intelligentsia, and other noncompliant elements. The Jews deported to the Government-General were doomed to speedy annihilation. Moreover, since the conspirators felt that members of the Polish intelligentsia could not be Germanized and might serve as a center of resistance against their "new order", they too were to be eliminated.

(*c*) They planned to deport all able-bodied Polish workers to Germany for work in the Nazi war machine. This was to serve the two-fold purpose of helping to satisfy the labor requirements of the Nazi war machine and preventing the propagation of a new generation of Poles.

(*d*) They planned to mold all persons in the incorporated area who were deemed to possess German blood, into German subjects who would religiously adhere to the principles of National Socialism. To that end, the conspirators set up an elaborate racial register. Those who resisted or refused to cooperate in this program were sent to concentration camps.

(*e*) They planned to bring thousands of German subjects into the incorporated area for purposes of settlement.

(*f*) They planned to confiscate the property—particularly the farms—of the Poles, the Jews, and all dissident elements. The confiscation of the property of Jews was part of the conspirators' larger program of extermination of the Jews. Confiscation likewise served three additional purposes: (1) it provided land for the new German settlers and enabled the conspirators to reward their adherents; (2) dispossessed Polish property owners could be shipped to Germany for work in the production of implements of war; and (3) the separation of Polish farmers from their wives furthered the plan to prevent the growth of a new generation of Poles.

These plans are developed in the specific documents which follow.

A. *The Program in the Incorporated Area.*

(1) *Economic Spoliation.* A report of an interview with Frank on 3 October 1939, which was included in a large report prepared in the OKW by one Captain Varain at the direction of General

Thomas, then Chief of the Military Economic Staff of the OKW, states:

> "In the first interview which the chief of the Central Division and the liaison officer between the Armament Department Upper East and the Chief Administrative Officer (subsequently called Governor General) had with Minister Frank on October 3, 1939 in Posen, Frank explained the directive, and the economic and political responsibilities which had been conferred upon him by the Fuehrer and according to which he intended to administer Poland. According to these directives, Poland can only be administered by utilizing the country through means of ruthless exploitation, deportation of all supplies, raw materials, machines, factory installations, etc., which are important for the German war economy, availability of all workers for work within Germany, reduction of the entire Polish economy to absolute minimum necessary for bare existence of the population, closing of all educational institutions, especially technical schools and colleges in order to prevent the growth of the new Polish intelligentsia. 'Poland shall be treated as a colony; the Poles shall be the slaves of the Greater German World Empire'. * * *
>
> * * * * * * *
>
> "By destroying Polish industry, its subsequent reconstruction after the war would become more difficult, if not impossible, so that Poland would be reduced to its proper position as an agrarian country which would have to depend upon Germany for importation of industrial products." (*EC–344–16 & 17*)

The conspirators planned a difference in treatment for the incorporated area of Poland, and for the Government-General. A directive issued and signed by Goering on 19 October 1939, which was found among captured files of the OKW, stated, *inter alia:*

> "In the meeting of October 13th, I have given detailed instructions for the economical administration of the occupied territories. I will repeat them here in short: 1. The task for the economic treatment of the various administrative regions is different depending on whether a country is involved which will be incorporated politically into the German Reich or whether we deal with the Government-General, which, in all probability, will not be made a part of Germany.
>
> "In the first mentioned territories the reconstruction and expansion of the economy, the safeguarding of all their production facilities and supplies must be aimed at, as well as

> a complete incorporation into the Greater German economic system at the earliest possible time. On the other hand, there must be removed from the territories of the Government-General all raw materials, scrap materials, machines etc., which are of use for the German war economy. Enterprises which are not absolutely necessary for the meager maintenance of the naked existence of the population must be transferred to Germany, unless such transfer would require an unreasonably long period of time and would make it more practical to exploit these enterprises by giving them German orders to be executed at their present location." (*EC–410*)

Once the Government-General had been stripped of its industrial potential, the conspirators planned to leave the country desolate. Not even the war damage was to be repaired. This is the clear import of an order dated 20 November 1939, issued by Hess in his capacity as Deputy Fuehrer, and found in captured OKW files. Hess stated:

> "I hear from Party members who came from the Government-General that various agencies, as, for instance, the Military Economic Staff, the Reich Ministry for Labor, etc., intend to reconstruct certain industrial enterprises in Warsaw. However, in accordance with a decision by Minister Dr. Frank, as approved by the Fuehrer, Warsaw shall not be rebuilt nor is it the intention of the Fuehrer to rebuild or reconstruct any industry in the Government-General." (*EC–411*)

(2) *Deportation and Resettlement.* The Academy of German Law in January 1940 prepared a secret report on plans for the mass migration of Poles and Jews from incorporated areas of Poland to the Government-General, and for the forcible deportation of able-bodied Poles to Germany. (The date of the report does not appear in the English translation, but it is clearly set forth on the cover page of the original document, as January 1940.) It should be recalled that the decree of 11 July 1934 (*Reichsgesetzblatt*, Part I, p. 605, 11 July 1934) provided that the Academy of German Law would be a public corporation of the Reich under the supervision of the Reich Ministers of Justice and the Interior, and that its task would be:

> "To promote the reconstruction of German legal life, and to realize, in constant close collaboration with the competent legislative organizations, the National Socialist program in the entire sphere of the law."

It should also be stated that Frank was the president of the Academy of German Law during the period when this secret report was made (*2749–PS*). The report stated:

> "For the carrying out of costly and long term measures for the increase of agricultural production, the Government-General can at the most absorb 1 to 1.5 million resettlers, as it is already over-populated. * * * By further absorption of 1.6 million resettlers, the 1925 Reich census figure of 133 inhabitants per square kilometer would be reached, which practically because of already existing rural over-population and lack of industry would result in a double over-population.
>
> "This figure of 1.6 million will barely suffice to transfer from the Reich:
>
> "The Jews from the liberated East (over 600,000), parts of the remaining Jews, preferably the younger age groups from Germany proper, Austria, Sudetengau and the Protectorate (altogether over 1 million). * * *" (*661–PS*)

The report then goes on to say that the following groups of people should be deported:

> "The Polish intelligentsia who have been politically active in the past, and potential political leaders; the leading economic personalities, comprising owners of large estates, industrialists and businessmen, etc.; the peasant population, so far as it has to be removed in order to carry out by strips of German settlements the encirclement of Polish territories in the East * * *."

* * * * * * *

> "In order to relieve the living space of the Poles in the Government-General as well as in the liberated East, one should remove cheap labor temporarily by the hundreds of thousands, employ them for a few years in the old Reich, and thereby hamper their native biological propagation. (Their assimilation into the old Reich must be prevented.) * * *" (*661–PS*)

Finally, the report stated:

> "Strictest care is to be taken that secret circulars, memoranda and official correspondence which contain instructions detrimental to the Poles are kept steadily under lock and key so that they will not some day fill the White Books printed in Paris or the U.S.A." (*661–PS*)

Frank made the following entry in his diary:

> "The Reichsfuehrer SS (Himmler) wishes that all Jews be evacuated from the newly gained Reich territories. Up to

> February approximately 1,000,000 people are to be brought in this way into the Government-General. The families of good racial extraction present in the occupied Polish territory (approximately 4,000,000 people) should be transferred into the Reich and individually housed and thereby be uprooted as a people." (*2233-G-PS*)

The top secret minutes of a meeting held on 12 February 1940 on "questions concerning the East," at which Goering was chairman and Himmler and Frank were present, stated, among other things:

> "By way of introduction, the General Field Marshal (Goering) explained that the strengthening of the war potential of the Reich must be the chief aim of all measures to be taken in the East. * * *"

* * * * * * *

> "*Agriculture:*
>
> "The task consists of obtaining the greatest possible agriculture production from the new Eastern Gaus disregarding questions of ownership. * * *"

* * * * * * *

> "*Special questions concerning the Government-General:*
>
> "The Government-General will have to receive the Jews who are ordered to emigrate from Germany, and the New Eastern Gaus."

* * * * * * *

> "The following reported on the situation in the Eastern territories: * * *
>
> "2. Reichsstatthalter Gauleiter Forster: The population of the Danzig/West Prussia Gau (newly acquired territories) is 1.5 million, of whom 240,000 are Germans, 850,000 well-established Poles and 300,000 immigrant Poles, Jews and asocials (1,800 Jews). 87,000 persons have been evacuated, 40,000 of these from Gotenhafen. From there, also the numerous shirkers, who are now looked after by welfare, will have to be deported to the Government-General. Therefore, an evacuation of 20,000 further persons can be counted on for the current year. * * *" (*EC-305*)

Comparable reports were made by other Gauleiters at this meeting. These figures, it may be noted, were only as of February 1940.

These forcible deportations did not involve merely ordering the victims to leave their homes, and to take up new residences elsewhere. These deportations were accomplished, according to plan, in a brutal and inhuman manner. This is shown in a speech delivered by Himmler to officers of the SS on a day commemorating the presentation of the Nazi flag. The exact date of the speech does not appear in the document, but its contents plainly show that it was delivered sometime after Poland had been overrun. In this speech Himmler said:

> "Very frequently the member of the Waffen-SS thinks about the deportation of this people here. These thoughts came to me today when watching the very difficult work out there performed by the Security Police, supported by your men, who help them a great deal. Exactly the same thing happened in Poland in weather 40 degrees below zero, where we had to haul away thousands, ten thousands, hundred thousands; where we had to have the toughness * * * you should hear this but also forget it again—to shoot thousands of leading Poles." (*1918–PS*)

Such Poles from the incorporated area as managed to survive the journey to the Government-General could look forward at best to extreme hardship, and exposure to degradation and brutality. For the Jews who were forcibly deported to the Government-General there was no hope. Frank, by his own admissions, had dedicated himself to their complete annihilation. In his diary Frank wrote:

> "We must annihilate the Jews, wherever we find them, and wherever it is possible." (*2233–D–PS)*

(3) *Forcible Return of Racial Germans to the Reich.* The conspirators had planned the forcible Germanization of persons in the incorporated area who were deemed to possess German blood. Such persons were given the choice of the concentration camp, or submission to Germanization. Himmler was the chief executioner of this program. In a secret decree signed by Hitler, Goering, and Keitel, dated 7 October 1939, Himmler was entrusted with the task of executing the conspirators' Germanization program. The decree provided, among other things:

> "The Reichsfuehrer SS (Himmler) has the obligation in accordance with my directives:
>
> "1. To bring back for final return into the Reich all German nationals, and racial Germans in the foreign countries.
>
> "2. To eliminate the harmful influence of such alien parts of the population, which represent a danger to the Reich, and the German folk community.
>
> "3. The forming of new German settlements by re-settling,

> and in particular by settling of the returning German citizens and racial Germans from abroad.
>
> "The Reichsfuehrer SS is authorized to take all necessary general and administrative measures for the execution of this obligation." (*686–PS*)

Himmler's conception of his tasks under this decree were plainly stated in the foreword which he wrote for the *"Deutsche Arbeit"* issue of June/July 1942. He wrote:

> "It is not our task to Germanize the East in the old sense, that is, to teach the people there the German language and German law, but to see to it that only people of purely German, Germanic blood live in the East." (*2915–PS*)

The 1940 Edition of *"Der Menscheneinsatz,"* a confidential publication issued by Himmler's Office for the Consolidation of German Nationhood, contained the following statements:

> "The removal of foreign races from the incorporated Eastern Territories is one of the most essential goals to be accomplished in the German East. This is the chief national political task, which has to be executed in the incorporated Eastern Territories by the Reichsfuehrer SS, Reich Commissioner for the strengthening of the national character of the German people."
>
> * * * * * * *
>
> "* * * there are the following two primary reasons, which make the regaining of lost German blood an urgent necessity.
>
> "1. Prevention of a further increase of the Polish intelligentsia, through families of German descent even if they are Polonized.
>
> "2. Increase of the population by racial elements desirable for the German nation, and the acquisition of ethno-biologically unobjectionable forces for the German reconstruction of agriculture and industry." (*2916–PS*)

Further light upon the goals which the conspirators had set for their Germanization program in conquered Eastern areas, is contained in a speech delivered by Himmler on 14 October 1943. This speech was published by the National Socialist Leadership staff of the OKW. The following are excerpts from this speech:

> "I consider that in dealing with members of a foreign country, especially some Slav nationality, we must not start from German points of view, and we must not endow these people with decent German thoughts, and logical conclusions of which they are not capable, but we must take them as they really are * * *."

> "Obviously in such a mixture of peoples, there will always be some racially good types. Therefore, I think that it is our duty to take their children with us, to remove them from their environment, if necessary by robbing, or stealing them. Either we win over any good blood that we can use for ourselves and give it a place in our people, or * * * we destroy that blood."

* * * * * * *

> "For us the end of this war will mean an open road to the East, the creation of the Germanic Reich in this way or that * * * the fetching home of 30 million human beings of our blood, so that still during our lifetime we shall be a people of 120 million Germanic souls. That means that we shall be the sole decisive power in Europe. That means that we shall then be able to tackle the peace, during which we shall be willing for the first twenty years to rebuild and spread out our villages and towns, and that we shall push the borders of our German race 500 kilometers further out to the East." (*L–70*)

(4) *The Racial Register.* In furtherance of these plans, the conspirators established a Racial Register in the incorporated area of Poland. The Racial Register was, in effect, an elaborate classification of persons deemed to be of German blood, and contained provisions setting forth some of the rights, privileges, and duties of the persons in each classification. Persons were classified into four groups:

(1) Germans who had actively promoted the Nazi cause.

(2) Germans who had been more or less passive in the Nazi struggle, but had retained their German nationality.

(3) Persons of German extraction who, although previously connected with the Polish nation, were willing to submit to Germanization.

(4) Persons of German descent, who had been "politically absorbed by the Polish nation", and who would be resistant to Germanization.

The Racial Register was inaugurated under a decree of 12 September 1940, issued by Himmler as Reich Commissioner for the Consolidation of German Nationhood. The following are pertinent extracts:

> "The list of 'ethnic Germans' will be divided into four parts (limited to inter-office use).
>
> "1. Ethnic Germans who fought actively in the ethnic

> struggle. Besides the membership of a German organization, every other activity in favor of the German against a foreign nationality will be considered an active manifestation.
>
> "2. Ethnic Germans, who did not actively intervene in favor of the German nationality, but who preserved their traceable German nationality.
>
> "3. Persons of German descent, who became connected with the Polish nation in the course of the years, but have on account of their attitude, the prerequisites to become full-fledged members of the German national community. To this group belong also persons of non-German descent who live in a people's mixed marriage with an ethnic German in which the influence of the German spouse has prevailed. Persons of Masurian, Slonzak, or upper Silesian descent who are to be recognized as ethnic Germans, usually belong to this group 3.
>
> "4. Persons of German descent, politically absorbed by the Polish nation (renegades).
>
> "Persons not included on the list of ethnic Germans are Poles, or foreign nationals. Their treatment is regulated by BII.
>
> "Members of groups 1 and 2 are ethnic Germans who will be used for the reconstruction in the East. The differentiation between the groups 1 and 2 is important for the National Socialist Party; primarily only members of group 1 should be accepted in the Party according to the instructions of the deputy of the Fuehrer.
>
> "Members of groups 3 and 4 have to be educated as full Germans, that is, have to be re-Germanized in the course of time through an intensive educational training in old Germany.
>
> "The establishment of members of group 4 has to be based on the doctrine, that German blood must not be utilized in the interest of a foreign nation. Against those who refuse re-Germanization, Security Police measures are to be taken." (*2916–PS*)

The basic idea of creating a racial register for persons of German extraction was later incorporated into a decree of 3 March 1941, signed by Himmler, Frick, and Hess. This decree is set forth in the 1941 *Reichsgesetzblatt* Part 1, page 118.

The entire apparatus of the SS was thrown behind the vigorous execution of these decrees. Proof of this fact is contained in the following extracts from directives issued by Himmler as the Reich Commissioner for the Consolidation of German Nationhood:

> "1. Where Racial Germans have not applied for entry in the 'German Ethnical List,' you will instruct the subordinate agencies to turn over their names to the State Police (Superior) Office. Subsequently, you will report to me (Himmler).
>
> "II. The Local State Police (Superior) Office, will charge the persons whose names are turned over to them to prove within eight days that they have applied for entry in the 'German Ethnical List.'
>
> "If such proof is not submitted, the person in question is to be taken into protective custody for transfer into a concentration camp." (*R–112*)

The measures taken against persons in the fourth category, "Polonized Germans," were particularly harsh. These persons were resistant to Germanization, and ruthless measures calculated to break their resistance were prescribed. Where the individual's past history indicated that he could not be effectively Germanized, he was thrown into a concentration camp. In the words of Himmler's decree of 16 February 1942:

> "II. The Re-Germanization of the Polonized Germans presupposes their complete separation from Polish surroundings. For that reason the persons entered in Division 4 of the German Ethnical List are to be dealt with in the following manner:
>
> "A. They are to be re-settled in Old Reich territory.
>
> "1. The Superior SS and Police Leaders are charged with evacuating and resettling them according to instructions which will follow later.
>
> "2. Asocial persons and others who are of inferior hereditary quality will not be included in the resettlement. Their names will be turned over at once by the Higher SS and Police Fuehrer (Inspectors of Security Police and Security Service) to the competent State Police (Superior) Office. The latter will arrange for their transfer into a concentration camp.
>
> "3. Persons with a particularly bad political record will not be included in the resettlement action. Their names will also be given by the Higher SS and Police Fuehrer (Inspectors of Security Police and Security Service) to the competent State Police (Superior) Office for transfer into a concentration camp. The wives and children of such persons

> are to be resettled in old Reich territory and to be included in the Germanization measures. Where the wife also has a particularly bad political record, and cannot be included in the resettlement action, her name, too, is to be turned over to the competent State Police (Superior) Office with a view to imprisoning her in a concentration camp. In such cases the children are to be separated from their parents and to be dealt with according to III, paragraph 2 of this decree. Persons are to be considered as having a particularly bad political record who have offended the German nation to a very great degree (e.g., who participated in persecutions of Germans, or boycotts of Germans, etc.)." (*R–112*)

(5) *Nazi Colonization.* Coincident with the program of Germanizing persons of German extraction in the incorporated areas, the conspirators, as previously indicated, undertook to settle large numbers of Germans of proven Nazi convictions in that area. This aspect of their program is clearly shown by an article by SS Obergruppenfuehrer and General of the Police, Wilhelm Koppe, who was one of Himmler's trusted agents. The following is an excerpt from this article:

> "The victory of the German weapons in the East must therefore be followed by the victory of the German race over the Polish race, if the regained Eastern sphere—according to the Fuehrer's will—henceforth shall for all time remain an essential constituent part of the Greater German Reich. It is therefore of decisive importance to penetrate the regained German region with German farmers, laborers, civil servants, merchants, and artisans so that a living and deep-rooted bastion of German people can be formed as a protective wall against foreign infiltration, and possibly as a starting point for the racial penetration of the territories further East." (*2915–PS*)

B. *The Program in the Government-General*

(1) *Germanization.* In the Government-General there were relatively few persons, at the outset, who qualified as Germans by the conspirators' standards. Hence, little would be served by the introduction of a Racial Register, categorizing persons of German extraction on the model of the one instituted in the incorporated area; and it is not known that any such Racial Register was prescribed in the Government-General. Rather, the plan seems to have been (*a*) to make the Government-General a colony of Germany, which was an objective announced by Frank (*EC–344–16*

& 17), and (*b*) to create so-called "German island settlements" in the productive farming areas. These island settlements were to be created by an influx of German persons who faithfully adhered to the principles of National Socialism.

In this connection, secret notes bearing the date line, "Department of the Interior, Krakow, 30th March, 1942," reveal some of Himmler's ideas on the "planned Germanization" of the Government-General. The following extracts are pertinent:

> "The Reichsfuehrer SS (Himmler) developed further trains of ideas to the effect that in the first five-year plan for re-settlement after the war the new German Eastern territories should first be filled; afterwards it is intended to provide at this time the Crimea and the Baltic countries with a German upper-class at least. Into the Government-General perhaps further German Island Settlements should be newly transplanted from European nations. An exact decision in this respect, however, has not been issued. In any case, it is wished that at first a heavy colonization along the San and the Brig be achieved so that the parts of Poland are encircled with alien populations. Hitherto, it has been always proved that this kind of encirclement leads most quickly to the desired nationalization." (*910–PS*)

An entry in Frank's Diary (1941, volume II, page 317) bears on the same point:

> "Thanks to the heroic courage of our soldiers, this territory has become German, and the time will come when the valley of the Vistula, from its source to its mouth at the sea, will be as German as the Valley of the Rhine." (*2233–H–PS*)

(2) *Confiscation of Property.* The conspirators had made plans to confiscate the property of Poles, Jews, and dissident elements. These plans were designed to accomplish a number of objectives. Insofar as the Jews were concerned, they were part of the conspirators' over-all program of extermination. Confiscation was also a means of providing property for German settlers and of rewarding those who had rendered faithful service to the Nazi State. This phase of their program likewise made dispossessed Polish farmers available for slave labor in Germany, and operated to further the conspirators' objective of preventing the growth of another generation of Poles.

Proof of these matters appears in a number of reports by Kusche, who appears to have been one of Himmler's chief deputies in Poland. In one of these reports Kusche pointed out that it was possible, without difficulty, to confiscate small farms and that

> "The former owners of Polish farms together with their families will be transferred to the old Reich by the employment agencies for employment as farm workers." (*1352–PS*)

In another secret report by Kusche dated 22 May 1940, and entitled "Details of the Confiscation in the Bielitz Country", the following appears:

> "Some days ago the commandant of the concentration camp being built at Auschwitz spoke at Staff Leader Muller's and requested support for the carrying out of his assignments. He said that it was absolutely necessary to confiscate the agricultural enterprises within a certain area around the concentration camp, since not only the fields but also the farm houses of these border directly on the concentration camp. A local inspection held on the 21st of this month revealed the following: there is no room for doubt that agricultural enterprises bordering on the concentration camp must be confiscated at once. Further than this, the camp commandant requests that further plots of farm land be placed at his disposal, so that he can keep the prisoners busy. This too can be done without further delay since enough land can be made available for the purpose. The owners of the plots are all Poles."
>
> * * * * * * *
>
> "I had the following discussion with the head of the labor office in Bielitz:
>
> "The lack of agricultural laborers still exists in the old Reich. The transfer of the previous owners of the confiscated enterprises, together with their entire families, to the Reich is possible without any further consideration. It is only necessary for the labor office to receive the lists of the persons in time, in order to enable it to take the necessary steps (collection of transportation, distribution over the various regions in need of such labor)".
>
> * * * * * * *
>
> "The confiscation of these Polish enterprises in Alzen will also be carried out within the next few days. The commandant of the concentration camp will furnish SS men and a truck for the execution of the action. Should it not yet be possible to take the Poles from Alzen to Auschwitz, they should be transferred to the empty castle at Zator. The liberated Polish property is to be given to the needy racial German farmers for their use." (*1352–PS*)

On 17 September 1940, Goering issued a decree which was designed to regularize the program of confiscation (*Reichsgesetz-*

blatt, 1940, Part I, page 1270). Under Section 2 of this decree, sequestration of movable and immovable property, stores, and other intangible property interests of Jews and "persons who have fled or are not merely temporarily absent" was made mandatory. In addition, sequestration was authorized under Section 2, sub-section 2, if the property were required "for the public welfare, particularly in the interests of Reich defense or the strengthening of Germanism." By section 9 of the decree, confiscation of sequestrated property was authorized "if the public welfare, particularly the defense of the Reich, or the strengthening of Germanism, so requires." However, Section 1, sub-section 2, provided that property of German nationals was not subject to sequestration and confiscation; and section 13 provided that sequestration would be suspended if the owner of the property asserted that he was a German. The decree, on its face, clearly indicates a purpose to strip Poles, Jews, and dissident elements of their property. It was, moreover, avowedly designed to promote Germanism.

Apparently some question arose at one point as to whether the decree required that a determination be made in each case involving the property of a Pole that the property was required "for the public welfare, particularly in the interests of Reich defense or the strengthening of Germanism." The answer supplied by the conspirators was firm and clear: In *any* case in which the property of a Pole was involved, the "strengthening of Germanism" required its seizure. On 15 April 1941, on paper bearing the letterhead of the Reich Leader SS, Commissioner for the Consolidation of German Nationhood, instructions were given "for internal use on the application of the law concerning property of the Poles of 17 September 1940." The following is an excerpt:

> "The conditions permitting seizure according to section II, sub-section 2, are always present if the property belongs to a Pole. For the Polish real estate will be needed without exception for the consolidation of the German nationhood." (*R–92*)

In the Government-General, Frank promulgated a decree on 24 January 1940, authorizing sequestration "in connection with the performance of tasks serving the public interest", and liquidation of "anti-social or financially unremunerative concerns." The decree is embodied in the *Verordnungsblatt* of the Government-General, No. 6, 27 January 1940, page 23. The undefined criteria in this decree clearly empowered Nazi officials in the Government-General to engage in wholesale seizure of property.

The magnitude of the conspirators' confiscation program in

Poland was staggering. The Nazis' own statistics show that as of 31 May 1943, a total of 693,252 estates, comprising 6,097,525 hectares, had been seized, and 9,508 estates, comprising 270,446 hectares had been confiscated by the Estate Offices Danzig-West Prussia, Poznan, Zichenau, and Silesia (*R–92*). This, it will be noted, represented the seizures and confiscations which were effected by only four offices. Figures are not available at this time for other offices maintained by the conspirators for these purposes.

2. CZECHOSLOVAKIA

The conspirators had given much thought to their plans to Germanize Bohemia and Moravia. Three plans, each characterized by severity, were discussed, and finally the Fuehrer decided on plan (*c*), which involved the assimilation of about one-half the Czech population by the Germans and the extermination of the other half. Moreover, this plan envisaged a large influx into Czechoslovakia of Germans whose loyalty to the Fuehrer was unquestioned.

These matters appear from a top secret report dated 15 October 1940, written by General Friderici, Deputy General of the Wehrmacht in Bohemia and Moravia. On the face of the document, it appears that only four copies were made. The original document bears the handwritten letters "K" and "J" on the first page on the left side, and the handwriting is unquestionably that of Keitel and Jodl. The report states:

> "On 9 October of this year the office of the Reich Protector held an official conference in which State Secretary SS Lt. General K. H. Frank spoke about the following: [SS Gruppenfuehrer K. H. Frank was Secretary of State under Von Neurath, who at the date of this report was the Protector of Bohemia and Moravia].
>
> "Since creation of the Protectorate of Bohemia and Moravia, Party agencies, industrial circles, as well as agencies of the central authorities of Berlin have had difficulties about the solution of the Czech problem.
>
> "After ample deliberation, the Reich Protector expressed his views about the various plans in a memorandum. In this way, three ways of solution were indicated:
>
> "*a*. German infiltration of Moravia and reduction of the Czech nationality to a residual Bohemia. This solution is considered unsatisfactory, because the Czech problem, even if in a diminished form, will continue to exist.
>
> "*b*. Many arguments can be brought up against the most

radical solution, namely, the deportation of all the Czechs. Therefore, the memorandum comes to the conclusion that it cannot be carried out within a reasonable period of time.

"*c.* Assimilation of the Czechs, i.e., absorption of about half of the Czech nationality by the Germans, insofar as this is of importance by being valuable from a racial or other standpoint. This will take place, among other things, also by increasing the *Arbeitseinsatz* of the Czechs in the Reich territory (with the exception of the Sudeten German border district), in other words, by dispersing the closed Czech nationality.

"The other half of the Czech nationality must be deprived of its power, eliminated and shipped out of the country by all sorts of methods. This applies particularly to the racially mongoloid part and to the major part of the intellectual class. The latter can scarcely be converted ideologically and would represent a burden by constantly making claims for the leadership over the other Czech classes and thus interfering with a rapid assimilation.

"Elements which counteract the planned Germanization ought to be handled roughly and should be eliminated.

"The above development naturally presupposes an increased influx of Germans from the Reich territory into the Protectorate.

"After a discussion, the Fuehrer has chosen solution (*c*) (Assimilation) as a directive for the solution of the Czech problem and decided that, while keeping up the autonomy of the Protectorate on the surface, the Germanization will have to be carried out in a centralized way by the office of the Reich Protector for years to come.

"From the above no particular conclusions are drawn by the armed forces. This is the direction which has always been represented from here. In this connection, I refer to my memorandum which was sent to the Chief of the Supreme Command of the Armed Forces, dated 12 July 1939, file number 6/39, top secret, entitled: "The Czech Problem." (Attached as annex.)

"The Deputy General of the Armed Forces with the Reich Protector in Bohemia and Moravia."

"(Signed) FRIDERICI
Infantry Lt. General." (*862-PS*)

Solution (*a*), as outlined in the foregoing report, would have called for German infiltration into Moravia and the forcible removal of the Czechs from that area to Bohemia. Moravia lies between Bohemia and Slovakia. Thus, solution (*a*) would have involved the erection of a German state between Bohemia and Slovakia, and would have prevented effective inter-communications between the Czechs and the Slovaks. In this manner, the historic desire for unity of these two groups of people and the continued existence of their Czechoslovakian State would have been frustrated. Solution (*a*) was rejected because the surviving Czechs, even though compressed into a "residual Bohemia," would have remained to plague the conspirators.

Solution (*b*), which involved the forcible deportation of all Czechs, was rejected, not because its terms were deemed too drastic but rather because a more speedy resolution of the problem was desired.

Solution (*c*) was regarded as the most desirable, and was adopted. This solution first provided for the assimilation of about one half of the Czechs. This meant two things: (*a*) enforced Germanization for those who were deemed racially qualified, and (*b*) deportation to slave labor in Germany for others. "Increasing the *Arbeitseinsatz* of the Czechs in the Reich territory", as stated in the report, meant, in reality, slave labor in Germany.

Solution (*c*) further provided for the elimination and deportation "by all sorts of methods" of the other half of the Czech population, particularly intellectuals and those who did not meet Nazi racial standards. Czech intellectuals, as the conspirators well know, had a conspicuous record of resistance to the Nazi ideology. They were, therefore, to be exterminated. That section of the report which stated, "elements which counteract the planned Germanization are to be handled roughly and should be eliminated," meant that intellectuals and other dissident elements were either to be thrown in concentration camps or immediately exterminated.

In short, the provisions of solution (*c*) were simply a practical application of the conspirators' philosophy as expressed in Himmler's speech referred to above:

> "Either we win over any good blood that we can use for ourselves * * * or we destroy this blood." (*L-70*)

3. THE U. S. S. R.

(The Chief Prosecutor for the Soviet Union has assumed the task of introducing detailed evidence showing the results of the execution of this program. The American prosecution confined itself to showing the plan.)

The evidence, individual items of which will be discussed hereafter, shows the following:

A. The conspirators planned to remove to Germany all foodstuffs and raw materials from the south and southeast of the Soviet Union, over and above the needs of the Nazi invading forces and the absolute minimum necessary to supply the bare needs of the people in these particular regions who produced the materials which were to be removed to Germany. This region had previously supplied the northern area of the Soviet Union, which the conspirators called the "Forest Zone". The latter zone embraced some of the leading industrial areas of the Soviet Union, including Moscow and Leningrad.

B. They deliberately and systematically planned to starve millions of Russians. Starvation was to be accomplished by the following means:

(1) As indicated under A above, products from the south and southeast of the Soviet Union which ordinarily were sent to the industrial regions of the north were to be forcibly diverted to Germany. Moreover, all livestock in the industrial regions was to be seized for use by the *Wehrmacht* and the German civilian population. The necessary consequence was that the population of the northern regions would be reduced to starvation.

(2) They established the following order of priority in which food produced by the Russians would be allocated:

First, the combat troops.
Second, the remainder of troops in enemy territory.
Third, troops stationed in Germany.
Fourth, the German civilian population, and
Lastly, the population of the occupied countries.

Thus, even Russians in the food surplus area of the Ukraine, who were not essential to the production of products for the German war machine, were systematically to be starved.

C. They planned the permanent destruction of all industry in the northern area of the Soviet Union in order that the remnants of the Russian population would be completely dependent upon Germany for consumer goods.

D. They planned to incorporate a part of Galicia and all of the Baltic countries into Germany and to convert the Crimea, an area north of the Crimea, the Volga territory, and the district around Baku, into German colonies.

By a directive issued by Goering's office for "The Operation of the Economy in the newly-occupied Eastern Territories," there was established the Economic Executive Staff, East, which was directly responsible to Goering, under which was created the

Economic Staff, East. The Economic Staff, East, in turn was subdivided into four groups: the Chief of the Economic Staff, Group LA, Group W, and Group M. The functions of Group LA were stated to be as follows:

> "Group LA. (Functions: nutrition and agriculture, the economy of all agricultural products, provision of supplies for the Army, in cooperation with the Army groups concerned.)" (*EC–472.*)

A report was made on 23 May 1941 (which was before the invasion of the Soviet Union) on the subject, "Economic Policy Directives for Economic Organization, East, Agricultural Group." (*EC–126*). It was prepared by the Economic Staff, East, Group LA, the Agricultural Group, which (as shown by *EC–472*) was an important part of the organization which Goering had established to formulate plans for the economic administration of Russia. The report begins by a recitation of figures pertaining to the production of agricultural products in the Soviet Union. It states that the grain surplus of Russia is determined by the level of domestic consumption and that this fact affords the basis upon which the planners must predicate their actions and economic policy. The report continues:

> "The surplus territories are situated in the black soil district (that is in the south and southeast) and in the Caucasus. The deficit areas are principally located in the forest zone of the north. Therefore, an isolation of the black soil areas must, in any case, place greater or lesser surpluses in these regions at our disposal. The consequences will be cessation of supplies to the entire forest zone, including the essential industrial centers of Moscow and St. Petersburg."
>
> * * * * * * *
>
> "This (the cessation of supplies) means:
>
> "1. All industry in the deficit area, particularly the manufacturing industries in the Moscow and Petersburg regions as well as the Ural industrial regions will be abandoned. It may be assumed that these regions today absorb an annual five to ten million tons from the food production zone.
>
> "2. The Trans-Caucasian oil district will have to be excepted, although it is a deficit area. This source of oil, cotton, manganese, copper, silk, and tea must continue to be supplied with food in any case, for special political and economic reasons.
>
> "3. No further exceptions with a view to preserving one or

the other industrial region or industrial enterprise must be permitted.

"4. Industry can only be preserved so far as it is located in the surplus region. This applies, apart from the above-mentioned oil field regions in the Caucasus, particularly to the heavy industries in the Donets district (Ukraine). Only the future will show to what extent it will prove possible to maintain in full these industries, and in particular the Ukrainian manufacturing industries, after the withdrawal of the food surpluses required by Germany.

"The following consequences result from this situation, which has received the approval of the highest authorities, since it is in accord with the political tendencies (preservation of the small Russians, preservation of the Caucasus, of the Baltic provinces, of White Russia, to the prejudice of the Great Russians).

"I. *For the forest belt:*

"*a.* Production in the forest belt (the food-deficit area) will become 'naturalized,' similar to the events during the World War and the Communistic tendencies of the war, etc., namely: agriculture in that territory will begin to become a mere 'home production.' The result will be that the planting of products destined for the market such as, in particular, flax and hemp, will be discontinued, and the area used therefor will be taken over for products for the producer (grain, potatoes, etc.) Moreover, discontinuance of fodder for that area will lead to the collapse of the dairy production and pig producing in that territory.

"*b.* Germany is not interested in the maintenance of the productive power of these territories, except for supplying the troops stationed there. The population, as in the old days, will utilize arable land for growing its own food. It is useless to expect grain or other surpluses to be produced. Only after many years can these extensive regions be intensified to an extent that they might produce genuine surpluses. The population of these areas, in particular the urban population, will have to face most serious distress from famine. It will be necessary to divert the population into the Siberian spaces. Since rail transport is out of the question, this too, will be an extremely difficult problem.

"*c.* In this situation, Germany will only draw substantial advantages by quick, nonrecurrent seizure, that is, it will be vitally necessary to make the entire flax harvest available for German needs, not only the fibers but also the oleaginous seeds.

"It will also be necessary to utilize for German purposes the livestock which has no fodder base of its own, that is, it will be necessary *to seize livestock holdings* immediately, and to make them available to the troops not only for the moment, but in the long run, and also for exportation to Germany. Since fodder supplies will be cut off, pig and cattle holdings in these areas will of necessity drastically decline in the near future. If they are not seized by the Germans at an early date, they will be slaughtered by the population for its own use, without Germany getting anything out of it."

* * * * * * *

"It has been demanded by the Fuehrer that the reduction in the meat ration should be made good by the fall. This can only be achieved by the most drastic seizures of Russian livestock holdings, particularly in areas which are in a favorable transport situation in relation to Germany."

* * * * * * *

"In future, southern Russia must turn its face toward Europe. Its food surpluses, however, will only be paid for if it purchases its industrial consumer goods from Germany, or Europe. Russian competition from the forest zone must, therefore, be abolished.

"It follows from all that has been said that the German administration in these territories may well attempt to mitigate the consequences of the famine which undoubtedly will take place, and to accelerate the return to primitive agricultural conditions. An attempt might be made to intensify cultivation in these areas by expanding the acreage under potatoes or other important food crops giving a high yield. However, these measures will not avert famine. Many tens of millions of people in this area will become redundant and will either die or have to emigrate to Siberia. Any attempt to save the population there from death by starvation by importing surpluses from the black soil zone would be at the expense of supplies to Europe. It would reduce Germany's staying power in the war, and would undermine Germany's and Europe's power to resist the blockade. This must be clearly and absolutely understood."

* * * * * * *

"I. Supplies for the Army

"Germany's food situation in the third year of war demands it imperatively that the *Wehrmacht,* in all its provisioning, must not live off Greater German territory or that of incorporated or friendly areas from which this territory receives imports. This minimum aim, the provisioning of the *Wehrmacht* from enemy territory in the third year, and if necessary in later years, must be attained at any price. This means that one-third of the *Wehrmacht* must be fully provisioned by French deliveries to the army of occupation. The remaining two-thirds (and even slightly more in view of the present size of the Wehrmacht) must without exception be provisioned from the Eastern *space.*"

* * * * * * *

"Thus it is not important, under any circumstances, to preserve what has existed, but what matters is a deliberate turning away from the existing situation and introducing Russian food resources into the European framework. This will inevitably result in an extinction of industry as well as a large part of the people in what so far have been the food-deficit areas.

"It is impossible to state an alternative in sufficiently hard and severe terms."

* * * * * * *

"Our problem is not to replace intensive food production in Europe through the incorporation of new space in the East, but to replace imports from overseas by imports from the East. The task is two-fold:

"1. We must use the eastern spaces for overcoming the food shortages during and after the war. This means that we must not be afraid of drawing upon the capital substance of the East. Such an intervention is much more acceptable from the European standpoint than drawing upon the capital substance of Europe's agriculture."

* * * * * * *

"2. For the future new order, the food-producing areas in the East must be turned into a permanent and substantial complementary source of food for Europe, through intensified cultivation and resulting higher yields.

"The first-named task must be accomplished at any price, even through the most ruthless cutting down of Russian domestic consumption, which will require discrimination between the consuming and producing zones." (*EC–126.*)

It is submitted that this document discloses, on its face, a studied plan to murder millions of people through starvation.

It reveals a program of premeditated murder on a scale so vast as to stagger human imagination. This plan was the logical culmination of general objectives clearly announced by Adolf Hitler in *Mein Kampf.* (See Section 6 of Chapter IX.)

A top secret memorandum, dated 16 July, 1941, of a conference at the Fuehrer's headquarters concerning the war in the East, seems to have been prepared by Bormann, because his initials appear at the top of page one (*L–221*). The text of the memorandum indicates that the conference was attended by Hitler, Lammers, Goering, Keitel, Rosenberg, and Bormann. This memorandum throws light upon the conspirators' plans to Germanize conquered areas of the Soviet Union. It also discloses the fraudulent character of the Nazi propaganda program; and shows how the conspirators sought to deceive the entire world; how they pretended to pursue one course of action when their aims and purposes were to follow precisely the opposite course. The following portions are particularly relevant.

> "Now it was essential that we did not publicize our aims before the world; also there was no need for that, but the main thing was that we ourselves knew what we wanted. By no means should we render our task more difficult by making superfluous declarations. Such declarations were superfluous because we could do everything wherever we had the power, and what was beyond our power we would not be able to do anyway.
>
> "What we told the world about the motives for our measures ought to be conditioned, therefore, by tactical reasons. We ought to act here in exactly the same way as we did in the cases of Norway, Denmark, Holland, and Belgium. In these cases too we did not publish our aims, and it was only sensible to continue in the same way.
>
> "Therefore, we shall emphasize again that we were forced to occupy, administer, and secure a certain area; it was in the interest of the inhabitants that we provided order, food, traffic, etc., hence our measures. Nobody shall be able to recognize that it initiates final settlement. This need not prevent our taking all necessary measures—shooting, desettling, etc. —and we shall take them.
>
> "But we do not want to make any people into enemies prematurely and unnecessarily. Therefore we shall act as though we wanted to exercise a mandate only. At the same

time we must know clearly that we shall never leave those countries.

"Our conduct therefore ought to be:

"1. To do nothing which might obstruct the final settlement, but to prepare for it only in secret. * * *"

"2. To emphasize that we are liberators.

"In particular: The Crimea has to be evacuated by all foreigners and to be settled by Germans only. In the same way the former Austrian part of Galicia will become Reich territory.

"Our present relations with Roumania are good, but nobody knows what they will be at any future time. This we have to consider, and we have to draw our frontiers accordingly. One ought not to be dependent on the good will of other people. We have to plan our relations with Roumania in accordance with this principle.

"On principle, we have now to face the task of cutting up the giant cake according to our needs, in order to be able—

"first, to dominate it;
"second, to administer it, and;
"third, to exploit it.

"The Russians have now ordered partisan warfare behind our front. This partisan war again has some advantage for us; it enables us to eradicate everyone who opposes us.

"Principles: Never again must it be possible to create a military power west of the Urals, even if we have to wage war for a hundred years in order to attain this goal. Every successor of the Fuehrer should know: security for the Reich exists only if there are no foreign military forces west of the Urals; it is Germany who undertakes the protection of this area against all possible danger. Our iron principle is and has to remain: We must never permit anybody but the Germans to carry arms."

* * * * * * *

"The Fuehrer emphasizes that the entire Baltic country will have to be incorporated into Germany.

"At the same time the Crimea, including a considerable hinterland, (situated north of the Crimea) should become Reich territory; the hinterland should be as large as possible.

"Rosenberg objects to this because of the Ukrainians living there.

"Incidental question: It occurred to me several times that

> Rosenberg has a soft spot for the Ukrainians; thus he desires to aggrandize the former Ukraine to a considerable extent."
>
> "The Fuehrer emphasizes furthermore that the Volga Colony, too, will have to become Reich territory, also the district around Baku; the latter will have to become a German concession (military colony)."
>
> "The Finns wanted East Carelia, but the Kola Peninsula will be taken by Germany because of the large nickel mines there.
>
> "The annexation of Finland as a federated state should be prepared with caution. The area around Leningrad is wanted by the Finns; the Fuehrer will raze Leningrad to the ground and then hand it over to the Finns." (*L–221*)

Thus, the program, as outlined by the conspirators at this meeting of 16 July, 1941, called for the unlawful incorporation of a part of Galicia and all the Baltic countries into Germany; and for the unlawful conversion of the Crimea and areas north of it, the Volga territory and the district around Baku, into German colonies.

This point is reinforced by a directive entitled, "Instruction for a Reich Commissar in the Baltic Countries and White Russia," which states:

> "The aim of a Reich Commissar for Esthonia, Latvia, Lithuania, and White Russia [last two words added in pencil] must be to strive to achieve the form of a German protectorate, and then transform the region into part of the Greater German Reich by Germanizing racially possible elements, colonizing Germanic races, and banishing undesirable elements. The Baltic Sea must become a Germanic inland sea, under the guardianship of Greater Germany." (*1029–PS*)

Even in the food-surplus areas of the occupied regions of the Ukraine, the conspirators planned to allocate food on a basis which left virtually nothing for those persons who were not engaged in the compulsory production of commodities for the German war machine. This was in violation of the explicit provision in Article 52 of the Hague Regulations of 1907, that requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. This program was disclosed in a top secret memorandum, dated 18 September, 1941, concerning a meeting of German military officials presided over by Goering (*EC–3*). The memorandum was signed by General Nagl, liaison officer between Goering's Four Year Plan Office and the OKW. The memorandum states:

> "At this conference which was concerned with the better ex-

> ploitation of the occupied territories for the German food economy, the Reich Marshal (Goering) called attention to the following:"
>
> * * * * * * *
>
> "It is clear that a graduated scale of food allocations is needed.
>
> "First in line are the combat troops, then the remainer of troops in enemy territory, and then those troops stationed at home. The rates are adjusted accordingly. The supply of the German nonmilitary population follows and only then comes the population of the occupied territories." (*EC–3.*)

Another memorandum, dated 25 November 1941, relating to the general principles of economic policy in the newly-occupied eastern territories, as prescribed in a conference held in Berlin on 8 November 1941, also bears out this point. This memorandum was also written by General Nagl. It is on the stationery of the Supreme Headquarters Armament Procurement Office. The following portions are pertinent:

> "I. For the duration of the war the requirements of the war economy will be the all-dominant factor of any economic measures in the newly-occupied Eastern territories.
>
> "II. Seen from a long range point of view the newly-occupied eastern areas will be exploited economically from the point of view of colonial administration and by colonial methods.
>
> "Exceptions will be made only for those parts of the Eastland which are to be Germanized by order of the Fuehrer, but even they are subject to the principle expressed in paragraph I.
>
> "III. The main emphasis of all economic work rests with the production of food and raw materials.
>
> "The highest possible production surplus for the supply of the Reich and of other European countries is to be attained by cheap production based on the maintenance of the low living standard of the native population. Besides covering thereby the European needs for food supplies and raw materials as far as possible, this measure is intended to create a source of income for the Reich which will make it possible to liquidate in a few decades, with utmost consideration for the German taxpayer, an essential part of the debts incurred in the financing of the war." (*EC–3*)

On 17 July, 1941, Hitler and Keitel issued a decree appointing Rosenberg as Reich Minister for the Occupied Eastern Territories. This was the day following the meeting at the Fuehrer's headquarters, which is reported in the document previously quoted from (*L–221*). This decree states, *inter alia:*

> "The Civil Administration in the newly-occupied Eastern territories where these territories are not included in the administration of the territories bordering on the Reich or the Government-General, is subject to the Reich Minister for the Occupied Eastern Territories.
>
> * * * * * * *
>
> "I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the occupied Eastern territories. He will hold office in Berlin." (*1997–PS)*

Rosenberg's views well fitted him for his task as one of the chief executioners of the conspirators' plans in the Soviet Union. His views were plainly expressed in a speech delivered on 20 June 1941:

> "The job of feeding the German people, stands, this year, without a doubt, at the top of the list of Germany's claims on the East; and here the southern territories and the northern Caucasus will have to serve as a balance for the feeding of the German people. We see absolutely no reason for any obligation on our part to feed also the Russian people with the products of that surplus territory. We know that this is a harsh necessity, bare of any feelings." (*1058–PS*)

These views were implemented in the directives issued by Rosenberg in his capacity as Reich Minister for the Occupied Eastern Territories. Among his directives were these:

> "The principal task of the civilian administration in the occupied Eastern territories is to represent the interest of the Reich. This basic principle is to be given precedence in all measures and considerations. Therefore, the occupied territories, in the future, may be permitted to have a life of their own in a form not as yet to be determined. However, they remain parts of the Greater German living space and are always to be governed according to this guiding principle.
>
> "The regulations of the Hague Convention on Land Warfare, which concern the administration of a country occupied by a foreign belligerent power, are not applicable, since the USSR is to be considered dissolved, and therefore the Reich has the obligation of exercising all governmental and other sovereign functions in the interests of the country's inhabitants. Therefore, any measures are permitted which the German administration deems necessary and suitable for the execution of this comprehensive task." (*EC–347*)

Implicit in Rosenberg's statement that the Hague Regulations are not applicable to the Soviet Union is the recognition by him that the conspirators' action in the Soviet Union flagrantly violated the Hague Regulations and applicable principles of International Law.

A top secret memorandum, dated 5 October 1942, written by Braeutigam, who was a high official in Rosenberg's Ministry for the Occupied Eastern Territories, made the following statements:

> "In the East, Germany is carrying on a three-fold war: a war for the destruction of Bolshevism, a war for the destruction of the greater Russian Empire, and finally a war for the acquisition of colonial territory for colonizing purposes and economic exploitation.
>
> * * * * * * *
>
> "With the inherent instinct of the Eastern peoples the primitive man soon found out also that for Germany the slogan: 'Liberation from Bolshevism' was only a pretext to enslave the Eastern peoples according to her own methods." (*294–PS*)

Certain German industrialists and financiers aided and abetted Himmler in his relentless program of Germanization, exploitation, oppression, and destruction. A letter from the banker, Baron Kurt von Schroeder to Himmler, dated 27 August 1943, stated:

> "My very honorable Reichsfuehrer:
>
> "With great joy I learn of your appointment as Reichsminister of the Interior and take the liberty to extend my heartiest congratulations to you on assuming your new post.
>
> "A strong hand is now very necessary in the operation of this Department and it is universally welcomed but especially by your friends that it was you who were chosen for this by the Fuehrer. Please be assured that we will always do everything in our power at all times to assist you in every possible way.
>
> "I am pleased to inform you at this opportunity that your circle of friends has again placed at your disposal this year a sum slightly in excess of RM 1 million for 'special purposes.' An exact list showing the name of the contributors will be sent to you shortly.
>
> "Again all my very best wishes—as well as those of my family—I remain yours, in old loyalty and esteem.
>
> "Heil Hitler! Yours truly." (*EC–454*)

A later letter from von Schroeder to Himmler, dated 21 September 1943, enclosed the list of contributors. The letter stated:

> "Dear Reichsleader:
>
> "I thank you very much for your kind letter of the 14th of this month with which you made me very happy. At the same time, I am enclosing a list with the total amount of funds made available to you by your circle of friends and totalling RM 1,000,000. We are very glad indeed to render some assistance to you in your special tasks and to be able to provide some small relief for you in your still further extended sphere of duties.
>
> "Wishing you, dear Reichsleader, the best of luck, I remain in old loyalty and esteem.
>
> "Heil Hitler! Yours very truly." (*EC–453*)

The Himmler "circle of friends," it may be noted, was a relatively small, select group. It did not include all, or even a majority of the industrialists and financiers in Germany. These contributions were not like the *"Hitler Spende"* or the Winter Relief contributions which were exacted from all industrialists by the Nazi state. These were contributions by a small group of very influential industrialists and financiers who, for selfish reasons, were anxious to "do everything in our power at all times to assist you "(Himmler)" in every possible way." By a rather strange coincidence, firms like I. G. Farben, the Flick Combine, and the Herman Goering Werke, which are on the list of contributors to Himmler, were among the chief beneficiaries of the conspirators' program of plunder of public and private property in the occupied countries. (*EC–453*)

4. THE WESTERN OCCUPIED COUNTRIES

(This section is based on a brief originally prepared for submission by the United States Prosecution in support of the allegation, in Count One of the Indictment, of a plan or conspiracy to commit war crimes. The evidence relating to the plan or conspiracy, however, proved to be inseparable from that on the execution thereof, a subject assigned to the French Prosecution. The materials contained herein were accordingly made available to the French for such use as they might deem appropriate in connection with the proof of their case.)

A. *The Nazi Conspirators Obtained Enormous Quantities of Foodstuffs, Raw Materials and Equipment From the Occupied Western Countries.*

(1) *The Nazis planned in advance of the invasion to secure from the conquered territories the strategic materials which Germany lacked and without which Germany could not prevail in a war of long duration.* In this war, as in the last, German resources were sufficient only for a conflict of short duration. As early as the winter of 1939–40, following the swift and crushing defeat of Poland, Germany suffered from a critical shortage of essential raw materials (*EC–615*). The Nazi leaders were thus faced with the question whether to conserve their supplies for a long war or to commit their limited reserves in the hope of obtaining an early decision. Hitler decided on the latter course. As Goering told General Thomas:

> "The Fuehrer is firmly convinced that he will succeed in reaching a decision * * * in the year 1940 by a big attack in the West. He reckons that Belgium, Holland, and Northern France will get into our possession and * * * had figured out that the industrial areas of Douai and Lens and those of Luxemburg, Longwy, and Briey could, from the point of view of raw material, replace the supplies from Sweden. Therefore, the Fuehrer had decided now to make use of our reserve of raw materials without regard to future times. * * *" (*EC–606*)

Careful plans were made in advance of the invasion in 1940 to secure for Germany the raw material resources of the to-be-occupied countries. A manual of directives and decrees issued by the Quartermaster, OKH, for the economic administration of the military government set forth an exhaustive list of important raw materials to be seized wherever found (*EC–155*). Directives were issued to the so-called economic squads (*Wirtschafts Truppe*) attached to the tactical units on the procedures to be followed in locating, seizing, and preparing such materials for shipment to Germany (*EC–618*). Also included in the manual mentioned were drafts of decrees to be promulgated by the German occupation authorities, for the establishment in the occupied countries of Goods Offices, modeled after the German rationing boards, to control production and distribution in the occupied countries in the German interest. (*EC–155*)

(2) *The occupied Western countries were ruthlessly exploited according to plan.* The occupied areas were systematically stripped of their economic resources to feed the German war machine. The extent of German exploitation is partially indicated by the staggering totals of the occupation levies and the "credit" balances of the local central banks under clearing arrangements imposed

by the Nazis, the principal sources of the funds with which Germany financed the spoliation of Western Europe. (For a brief explanation of the clearing system, see *infra* under D, 2.)

The total occupation charges exacted from France alone were 31,600,000,000 RM from 25 June, 1940, to 5 September, 1944 (*3615-PS*). They averaged more than 7,000,000,000 RM annually, a sum more than four times the German annual payments under the Dawes and Young Plans. This sum is in addition to a "credit" of the Bank of France under the Franco-German clearing, which, as of September, 1943, amounted to 4,400,000,000 RM (*3615-PS*). For the period May 1942–43, the tribute exacted from Belgium (mainly from occupation charges and clearing credits) amounted to more than two-thirds of the Belgium national income (*ECR-149*). These figures, large as they are, take no account of the substantial quantities of materials seized and removed to the Reich without compensation (see *infra* under B, (1)) nor do they reflect the windfall to the Reich resulting from the substantial over-valuation of the Reichsmark, particularly in the case of France and Belgium. (*EC-86*)

A few illustrative examples of specific items, taken from the report of the German Military Commander for France of 10 September, 1942 (*EC-267*), will serve to show even more concretely than monetary figures, the extent to which materials and equipment were taken from the occupied countries for the benefit of the Reich. Since the Armistice, according to this report, the French contributed to the Germans 73 percent of the normal annual French consumption of iron, amounting to nearly 5 million tons. From the Armistice to July, 1942, 225,000 tons of copper and 5,700 tons of nickel were delivered by France to Germany, amounting to 80 percent and 86 percent of French supplies respectively; also 55 percent of the French aluminum and 80 percent of the magnesium production. For her own needs France retained only 30 percent of the normal production of the wool industry, 16 percent of the cotton production, and 13 percent of the linen production. The total French production of locomotives and the major part of the machine tool industry were put at the disposal of the Germans. (*EC-267*)

B. *The Foodstuffs, Raw Materials and Equipment Delivered to Germany were Obtained by Compelling the Nationals of the Conquered Countries to Produce and Distribute in Accordance with German War Requirements, by Seizure and Requisition, and by Purchases Financed with Funds Exacted from the Occupied Countries and Their Nationals.*

(1) *Much of the material and equipment removed to Germany was obtained by seizure, requisition, and confiscation of private property.* During the first phase of the occupation, the Nazis systematically removed to the Reich almost all available supplies to satisfy the immediate German requirements. This phase, according to the German Military Commander's description of the practice in France, was one of "stripping" occupied areas of "foodstuffs, raw materials and machinery", leaving only enough to secure the "bare subsistence" of the population (*EC–614*). In the words of the report of the Wi-Rue Staff in France:

> "In this period the legal concepts of the Hague Regulations regarding Land Warfare are not yet strictly observed. The main purpose is to get out of France through seizure *Beschlagnahme* or purchase at infinitesimal prices the materials of use for the German armament." (*EC–422*)

By order of the German High Command, booty was defined to include not merely public property but "beyond the Hague Regulations on Land Warfare," also "privately owned finished and semi-finished products if they were manufactured in fulfillment of an order of the French armed forces" (*EC–422*). At the same time, payments made by the French armed forces on account of war material orders were likewise treated as war booty. Even goods in transit were arbitrarily placed in this category (*EC–422*). Machinery and equipment affixed to the realty were seized and shipped to Germany in wilful disregard of the limitations of the Hague Regulations authorizing seizure only of chattels. (*EC–84*)

The "stripping phase" of Nazi spoliation was relatively short-lived. Decision was soon reached to utilize at least part of the industrial capacity of the occupied areas to relieve the burden on the armament plants in Germany (*EC–620*). Throughout the period of occupation, however, the Nazis continued the seizure and requisition of machinery and certain raw materials in short supply in the Reich. From December, 1942, to the end of the occupation, for example, 242 German demands for Belgian machinery were met, of which 110 were fulfilled by requisitions (*ECH–10*). In 79 instances the requisitioned equipment was shipped to Germany. (*ECH–10*)

Support for such requisitions was found in an order of the Military Commander of Belgium of 6 August 1942. This order was explained as embodying the "modern" German view that, as "total war is no longer limited in space but has become a struggle of peoples and nations against each other," requisitions under Article 52 of the Hague Regulations should no longer be limited to the "needs of the occupying forces" but may also be used in the "general interest of the German war effort"; and that requisitioned articles may be used not only in the territory in which they were obtained but also "in other territories in the sphere of the occupying power." (*ECH–10*)

In April 1941, Goering ordered the removal of church bells in France "which represent the most important and last reserve of copper and tin," stressing that "no church bells would be removed in Germany before all bells had been removed in France" (*EC–323*). In 1943, after the removal of church bells from the other occupied countries and even from the Reich, Hitler ordered their removal from Belgium (*ECH–11*). The Belgians protested, invoking the Hague Regulations, and refused an offer to buy; thereupon the Germans requisitioned the bells against receipt. (*ECH–11*)

By circular letter, dated 23 June 1943, Speer ordered that scientific instruments and apparatus be taken out of the laboratories and research institutes in the occupied Western countries, directing that applications for instruments be made through channels and that the requisitions be made by the Military Government. (*ECH–14*)

In many cases, representatives of German scientific institutions sought to acquire scientific instruments in order to modernize their own installations, appearing in Army uniforms to give the impression that the requisition was a military measure (*ECH–15*). The Military Government of Belgium decided that Articles 52 and 56 of the Hague Regulations were inapplicable because the Allies had destroyed a number of German scientific installations in the Reich through bombing, which therefore had to be replaced from the occupied territories, and that "in a total war, no consideration could be given to the cited articles of the Hague Regulations". (*ECH–16*) .

As part of the design to supply the armament industry in Germany with material from the occupied Western territories, a program for the removal of copper and lead from transmission installations of power distribution plants in the occupied Western countries was instituted by a decree of Speer dated 31 May, 1943 (*EC–101*). The plan contemplated from the outset that the transmission of facilities would not be restored (as required by the second paragraph of Article 53 of the Hague Regulations) but that an equivalent amount of metal would be returned after the war. (*EC–101*)

(2) *The Nazis purchased war materials and consumer goods*

in the regular and black markets for shipment to the Reich, all with funds exacted from the occupied countries. Following the initial "stripping" phase of the occupation, the Nazis promptly instituted an extensive "buying-out" program (*061–PS*) with the object of procuring not merely materials required for the German war effort, but to obtain also consumer goods, including luxury items, for the civilian population of Germany (*EC–485*).

No limitations, legal or moral, were observed in the execution of this program. Supplies which could not be obtained through normal channels were purchased on the black market. The disastrous effects of competition among various German agents led the central occupational authorities in Belgium, France, and Holland to take over black market operation directly (*1765–PS*). On 13 June 1942, by order of Goering, Col. Veltjens was appointed to direct black market purchases in all occupied territories and a new agency, the so-called UEWA, was placed at his disposal. (*ECH–7*)

The actual purchases were made by several corporations, including Pimetex, an agency of the Speer Ministry of Armament and Munitions. The goods were distributed through Roges according to directives of the Central Planning Board (Speer, Koerner, Milch) and in appropriate cases by the German Ministry of Economics and the *Reichsstellen* (*ECH–7*). Black market operations were finally abolished by order of Goering dated 2 April, 1943, confirmed in Belgium by circular of the Military Commander of 19 June, 1943. (*ECH–9*)

Certain of the purchases made through the black market while under the direction of Col. Veltjens are of special interest:

> *Christmas Drive.* On 22 September 1942, Goering ordered a special drive in the Western occupied countries to purchase present for the civil population in Germany for the coming Christmas. The Roges Company effected the distribution of the articles in Germany.
>
> *Special Drive WABO.* This drive was pursuant to Hitler's order to Speer to procure Christmas packages for the soldiers. The O. Todt Cantine accepted offers of sale on the black market and Pimetex did the buying.
>
> *Special Drive LOWA* (Degenkolb locomotive program). The purchase were made by Pimetex. (*ECH–7*)

As of 15 January 1943, black market purchases totaled approximately 1,100,000,000 RM, including:

RM 929,100,000 in France.
RM 103,881,929 in Belgium, and
RM 73,685,162.64 in Holland. (*1765–PS*)

Payment in France was made out of occupation funds, in Belgium out of such funds and through the clearing, and in Holland through "normal bank transactions" (*1765–PS*; *ECR–132*). As appears very clearly from the report of Col. Veltjens of 15 January, 1943, substantially all the goods so purchased were shipped to the Reich. (*1765–PS*)

(3) *The Nazi conspirators compelled the nationals of the occupied countries to produce and distribute materials and equipment in accordance with the German general war requirements.* The "stripping" and "buying-out" phases of the Nazi spoliation were both gradually superseded by a regulated program for the utilization of the industrial plant of the occupied areas and the transfer of orders (subcontracting) to local concerns. The Nazi conspirators established comprehensive rationing controls under which essential raw materials were made available only to those who produced in the German interest; those reluctant to produce on German order were placed under compulsory administration. "This," Keitel noted in commenting on the controls established in France, "is * * * booty of the victor". (*EC–613*)

Belgium

The means employed in Belgium were typical. Production quotas for coal, iron and steel, textiles and leather, and other products were fixed by the Ministry of Economics and its *Reichsstellen,* in some cases after consultation with the Reich Minister (Funk). (*ECH–2*)

Comprehensive production controls were established in Belgium to assure the fulfillment of these quotas. Pursuant to plans developed in advance of the invasion (*EC–155*), a decree was issued by the Military Commander on 27 May, 1940, creating so-called "Goods Offices," endowed with authority to issue general and special orders to Belgian firms requiring production of designated products, and the sale thereof to designated buyers, and with the further power to prohibit production or sale without license (*3604–PS*). By decree of the Military Commander of 29 April, 1941, the appointment of a commissar to direct operations of private plants was authorized. (*3610–PS*)

The German Goods Offices (*ECH–3*) were transferred to similar units established by Belgian decree of 3 September, 1940. (Whether this decree was issued on German order or suggestion does not appear.) The Germans supervised the Belgian Goods Offices and adopted as German orders both the Belgian decree establishing the Offices and the orders issued thereunder, and prescribed punishment by fine and imprisonment for violations. (*3609–PS*)

For the first two years of the occupation, German control was exercised mainly through prohibitions and restrictions, that is, by a priority system (*ECH–4*), although even then important sectors of the Belgian economy, notably textiles and leather products, were controlled by "positive" orders directing the amount in kind to be produced and the persons to whom distribution must be made (*ECH–4*; *ECH–2*). During this period the Military Commander issued instructions to the Goods Offices through "command channels," that is, through the Belgian Minister of Economics. (*ECH–3*)

On 6 August, 1942, the Military Commander, however, published a decree reaffirming explicitly the power to compel production of designated articles (*3612–PS*), a signal for the introduction of "positive" controls. In 1943, on instructions from the Reich Ministry of Economics, German representatives selected from the *Reichsstellen* were attached directly to the Belgian Goods Offices (*ECH–3*). At the end of 1943, the office of the "Ruestungsobmann" of the Speer Ministry for Armaments and War Production began issuing "positive orders" for production to individual concerns directly, without clearing with the Goods Offices, pursuant to decree of the Minister for Armaments and War Production (Speer). (*ECH–3*)

Production facilities in Belgium which were not deemed to serve the German interest were shut down. By order of 30 March 1942, the Military Commander prohibited the enlargement of existing plants and the construction of new ones without German authorization, and provided for the closing down of factories at his discretion (*3616–PS*). In the iron and metal industry alone at least 400 plants "not important for the war effort" had been closed down by 15 April 1943 (*EC–335*). By the end of the occupation, 1360 out of a total of 2164 plants in the textile industry had been closed down. (*ECH–19*)

France and Holland

Substantially the same system was put into effect in France and Holland. German Goods Offices were established in Occupied France at the same time as in Belgium (*3604–PS*). These were subsequently abolished in November, 1940, however, when the Vichy Government, at the "suggestion" of the Nazis, created raw material rationing boards, on which delegates of the German Military Administration served as technical advisers (*EC–613*; *EC–616*). In the Netherlands, controls were exercised by the local German Armament Inspectorate (*EC-471; EC-472-A*), who, it is believed, made use of the rationing boards set up in Holland before the outbreak of war.

C. *The Nazi Conspirators Acquired Ownership of Belgian, Dutch, and French Participations in European Industries by Means of Governmental Pressure and Through the Use of Funds Unlawfully Exacted from the Occupied Countries and Their Nationals.*

The Nazi conspirators were not content with securing for Germany the supplies necessary for the period of the war. They aimed at obtaining permanent ownership and domination of European industry to the fullest extent possible, and embarked on a program to that end even during the progress of the war.

(1) *The Nazi conspirators established a program to acquire for German interests ownership of Belgian, Dutch, and French participations during the war.* On 23 May 1940, recommendation was made that it would be opportune to secure all Dutch and Belgian stocks "in order, especially in the case of holding companies, to win influence * * * over the controlled companies" (*EC-41)*. The memorandum recommended the taking possession of stocks of the dominated companies located in foreign countries and influencing the decisions of members of holding companies located in Holland and Belgium or of other owners of such stock. Because of the provisions of Article 46 of the Hague Regulations prohibiting confiscation of private property, it was deemed more advisable to influence members of holding companies through careful guiding than through plain force. (*EC-41*)

At a meeting held in the Reich Ministry of Economics on 3 June 1940 on the subject of "Belgian and Dutch capital shares in southeastern European countries," it was decided that regulations should be issued immediately by the Military Commander for Belgium prohibiting the destruction, transfer, or disposition of any bonds or stocks of these countries, and that registration should be required of owners and trustees. (*1445-PS*)

In a memorandum of 2 August 1940 Goering declared that the goal of the Germans' economic policy was the "increase of German influence with foreign enterprises," that it was "necessary already now that any opportunity is used to make it possible for the German economy to start the penetration even during the war of the interesting objects of the economy of the occupied countries," and directed that the transfer of capital from Germany to the occupied countries be facilitated to make possible the immediate purchase of enterprises in the occupied countries. (*EC–137*)

At a meeting at the Reich Ministry of Economics on 8 August 1940 on the subject of "Acquisition of shares of important foreign enterprises in southeastern Europe," Dr. Schlotterer of the Reich Ministry of Economics commented that "private economical penetration of the Southeast area by German influence is desirable, likewise the supplanting of British and French interests in that territory" (*EC–43*). The group present, including representatives of the Reich Ministry of Economics and the Reichsbank, agreed that "attempts should be made immediately to acquire shares" and that "in doing so the tendency should be preserved to present a bill for the shares at the peace conference." It was further agreed that "it should be attempted if possible to transfer the shares into private hands" but that "in order to make the right selection it appears necessary to introduce an intermediary stage" in which "first of all, enterprises should be taken over through banks, thereupon the plants should be managed as a matter of trusteeship for the Reich with the aim that the Reich (Reich Marshal Goering)" undertake handing them over to private industry. (*EC–43*)

(2) *The Nazi conspirators carried out this program by compulsory sale where necessary and by purchases financed out of occupation charges and under clearing agreements with the occupied countries.*

Belgium

Immediate steps were taken to implement these measures in Belgium. The annual report of the Commissar at the National Bank from May 1940–41 states:

> "According to the directions of the Reichsmarshal Goering as early as September 1940 the first measures for a closer formation of capital ties between the Belgian and German economy were taken. Two different procedures were concerned here:
>
> "1. Direct negotiations between German industrialists and Belgian industrialists, for the purpose of obtaining constructive participations in important Belgian enterprises which offer the basis for collaboration between the two economies even after the war. Furthermore, it is desired to transfer to German hands important Belgian participations in foreign enterprises whose administration is located in Belgium, particularly so far as enterprises are concerned which are lo-

> cated in the Balkans and in which a general German interest exists.
>
> "2. Ties which result from purchases of stock by German parties on the Belgian stock markets. For this purpose the Reich Economic Minister has given general permission to 32 German banks to obtain participation rights, particularly stocks, in a limited quantity in Belgium. Till now use has been made of this permission in the amount of about 25 million RM, to which can be added an additional 10 million RM for the procurement of Belgian participations in Rumania, Bulgaria, and the former Poland." (*ECR–24*)

In his report for November 1940 the Military Commander for Belgium stated:

> "A certain readiness exists on the part of the Belgians to give up investments in stocks in such countries which, at the present time, are being ruled militarily or economically by Germany. Among the important business deals of this kind which have been concluded should be mentioned the taking over by the *Kreditanstalt, Wien* (Credit Institute, Vienna) of an essential interest in the *Allgemeiner Jugoslawischer Bankverein* (General Yugoslav Bank Association) from the *Societe Generale* (capital approximately 1 million RM) and the taking over by the *Deutsche Bank* of the overwhelming majority [translator's note: of shares] of the *Banca Commerciala Romana* from the *Societe Generale* (capital approximately 2 million RM). The *Deutsche Bank* also succeeded in acquiring shares of the *Kreditanstalt, Wien,* of approximately 800,000 RM nominally from the *Societe Generale* and from one of its subsidiaries. Negotiations between the *Deutsche Bank* and the *Societe Generale* on the transfer of approximately 25% of the capital of the *Banque Generale du Luxembourg* are about to be concluded. Through this deal the *Deutsche Bank* together with the other German groups obtains the absolute majority of the Luxembourger Bank (approximately 70% of the shares). The *Deutsche Bank* gets the right to acquire another 25% of the shares which for the time being, remained with the *Societe Generale.*" (*EC–34*)

While the Military Commander of Belgium may have given some assurance that the owners would not be compelled to sell (*ECH–22*), in at least one instance, purchase could be effected only by military order (*EC–335*). In this instance the procurement for the Main Branch of Trustees East of shares of the Belgian "Trust Metallurgique" in electricity and road enterprises of East Silesia and the General Government, as well as purchase of shares in the iron works Ostrovica for the Reichswerk Hermann Goering had "to be done, at the request of the Reich Ministry for Economics, forcibly, as an agreement on a financial basis could not be obtained." (*EC–335*)

The German acquisition of Belgian stock participations was financed through the Belgium-German clearing. The Belgian clearing balances of 20 March 1940 included an item of 296 millions bfrs., which "is explained by out-payment of large clearing transfers to purchase Belgian capital participations in Balkan enterprises" (*ECR–14*). Increasing transfers resulting from the German capital penetration program precipitated a controversy with the Emission Bank, which was resolved by the Commissar's issuance of an order requiring the bank to make payment (*ECR–24*). As a sequel, "capital" payments were separated from those for "goods and services" and financed by a separate "capital" clearing agreement covering purchases of securities and other "capital" transactions (*ECR–24*). The Belgian clearing "credit" under the capital clearing, as of 31 July 1943, amounted to 1,071,000,000 bfrs (*ECR–173*). As shown below, (see *infra*, D, 2) the Belgian credit under the capital clearing traffic represents a forced loan, exacted for a purpose not even remotely related to the needs of the occupation army.

France and Holland

The limited evidence in the presently available German documents indicates that similar methods were employed in French and Dutch participations. The procedure followed in the Netherlands is indicated below in the discussion of the removal of restrictions on the free transfer of Reichsmarks in that country. (See *infra*, D, 5.) In France, participations of a value of 121,000,000 RM were purchased for German interests, paid for in part out of occupation funds and in part through the clearing. (*1991–PS*)

D. *The Nazi Conspirators Compelled the Occupied Countries and Their Nationals to Furnish the Monetary Requirements for the German Exploitation, by Means of Occupation Levies, Forced Loans, and the Requisition of Gold and Foreign Exchange in Amounts Far in Excess of the Needs of the Occupation Armies.*

Except for the early period of the occupation, during which *Reichskreditkassen* certificates were issued to finance the needs of the occupation troops (Lemkin, *Axis Rule In Occupied Europe*, p. 329), the Nazis obtained the necessary local currency through the levy of excessive occupation charges, the imposition of clearing arrangements under which the local central banks were compelled to finance exports to the Reich, and by requisition of gold and foreign exchange.

(1) *The Nazi conspirators exacted excessive occupation charges from the conquered countries.*

Belgium

The Nazi conspirators demanded from Belgium both "internal occupation costs" and "external occupation costs" (*ECR–32*). The former was defined as "those sums which are gotten out of the country to finance the needs of the German military formations located in the country" (*ECR–32*). The term "external occupation costs" was used interchangeably with the title "antibolshevistic contribution" (*EC–401*). Under whatever theory, the exaction of occupation charges was made "to the limit of capacity". *(ECR–59)*

Throughout the period of German occupation, a substantial part of the contribution charges obtained from Belgium was used as a matter of regular practice "not for occupation cost purposes" (*ECR–166; ECR–155–A; ECR–35*), including:

(*a*) Exports to Germany, Holland, and France (*ECR–89*; *ECR–104*).

(*b*) Exchange for Belgian francs of RKK certificates, a "not inconsiderable part" of which did "not have the least thing to do with occupation costs" (*ECR–39*; *ECR–142*).

(*c*) "Political purposes (that is, SS, Propaganda, Hitler Youth)" (*ECR–106*).

(*d*) Purchases in the "black market" (*ECR–106*), many of them destined for export. (See *supra,* B, (2).)

(*e*) General war expenses, including the supply of troops based in Belgium for military operations against England (*ECH–5*) ; the Commander-in-Chief of the Army rejected a recommendation of the Military Commander that a distinction be drawn between occupation troops and those for military operations (*ECH–5*).

Notwithstanding the extensive use of occupation levies for non-occupation purposes, the contributions exacted from Belgium

> "were not only sufficient to cover the needs of the *Wehrmacht* * * * but also made it possible * * * to found a cash reserve which reached at certain times about 2,500,000,000 bfrs". (*ECH–5*)

France

The occupation cost accounts of the *Reichskreditkasse* in Paris disclose on their face that a large part of the occupation funds was obtained and used for nonoccupational purposes. Two sets of occupation cost accounts were maintained: Account A, into which payments were made on behalf of various Reichs ministeries and agencies, and for specified purposes; and Account B, into which payments were made for disposal for the *Wehrmacht* (*3615–PS*). The funds in Account A were used for obviously nonoccupational purposes, as follows:

			June 1940 to end 1943
A	I.	Reich Minister for Economic Affairs (primarily for the buying agency, "Roges," also for the purchase of securities and devisen)	RM 1,518,000,000
A	II.	Foreign Office (for propaganda purposes in France)	27,000,000
A	III.	Payment of support to dependents of laborers recruited in France for work in Germany	1,500,000
A	IV.	Reich Minister for Transportation (purchase of securities)	2,500,000
A	V.	Paris Agency of the *Reichstierstelle* (Reich Agency for Animals)—imports of meat and meat products	19,000,000
A	VI.	Exchange by the Bank of France of RM notes for persons evacuated from Alsace-Lorraine	900,000
A	VII.	Financing purchases of raw sugar in North France by sugar refinery in South Germany	1,285,000
A	VIII.	Compensation for war damage to *Reichsdeutsche* and *Volkdeutsche* in France	8,500,000
A	IX.	Sale of French francs to the Reich (Commodity imports into Alsace-Lorraine)	66,000,000
A	X.	Reich Minister of Education (Purchases for libraries in the Reich of books destroyed in air raids)	1,000,000

(*3615–PS*)

The available records do not disclose the full extent to which the *Wehrmacht* used the funds at its disposal in Account B for nonoccupational purposes. It is certain, however, that large sums were expended for such purposes. Thus, a communication of the

OKW to the Foreign Office of 6 November 1942, explaining the decrease in reserve for Account B, states:

> "In addition, payments to a considerable extent had to be made from the occupation cost funds which were not allotted to meet the demands of those units of the German Wehrmacht stationed in France. On 15 January the B account of occupation costs was approximately 3 bill. RM. The reason for the decrease appears from the following compilation:

	Million RM.
a. For procurement of goods exported from France during the period of 1 Jan.–31 Oct. 1942 an estimated 10 × 90 mill. RM	900
b. To Roges Raw Material Trading Company Ltd. for purchases on black market	700
c. For procurement of foreign bills by the Navy (the purchase of foreign bills with French francs was necessary to buy and repair merchant ships in Spanish harbors. These merchant ships are to serve for supplying Rommel's Panzer army in Africa)	40
d. Reimbursement to Foreign Office (account Syria)	4
e. Allotments in favor of families of French workers working in Germany	1.5
f. Special commissioner Rumania	1.3
g. Costs of building completions for directors of French powder factories	0.2
	1,647

> Therefrom it appears that the decrease of reserves of occupation cost funds amounting to 3,000 mill. RM on 15 January 1942 is primarily due to expenditures for purposes unrelated to the occupation." (*1741–PS*)

Holland

Occupation charges were fixed at about 100,000,000 gulden a month (*ECR–174*; *EC–86*). (100 RM = 75 gulden, approximately (*EC–468*)).

Expenditures were divided between "occupation" purposes and "nonoccupation" purposes, according to whether "the products purchased or produced on orders of the armed forces of the Netherlands remain in the Netherlands (occupation cost) or leave the Netherlands (nonoccupation cost)" (*ECR–174*). During the 20-month period from March 1941 to October 1942, inclusive (the only period for which figures are available), out of the total occupation charges of 1,545,500,000 gulden, 433,800,000 gulden were expended for "nonoccupation" purposes (*ECR–175–193*). A large part of the "pure" occupation expenditure, moreover, was for general war expenses, including the construction of fortifications and airfields, and the letting of shipbuilding contracts. (*ECR–180, 181, 183, 187, 191*)

In theory, only the "occupation" costs were supposed to be charged to the Netherlands (*ECR–174*); until April 1941, the "nonoccupation" expenditures were returned to the Military Commander in the Netherlands (*ECR–175*). The claim of the Netherlands to the sums "returned," however, was rejected. Moreover, as appears from the above cited reports (*ECR–175–193),* nonoccupation expenditure continued even after April 1941, when reimbursements ceased. (*ECR–176*)

During the first year of the occupation Germany exacted an additional levy from the Netherlands under the heading of "external occupation costs," amounting to 500,000,000 RM (*ECR–194*). Of this sum, 100,000,000 RM was paid in gold; the remainder was paid by a transfer of the clearing balance of the Netherlands Bank at the *Verrechnungskasse* to the German Ministry of Finance, that is, was used to reduce a credit which arose by reason of exports to the Reich. (*ECR–194*)

In April 1942, "at the instigation of the Reich Commissioner Seyss-Inquart," the Netherlands began to pay a "voluntary contribution to the war against Bolshevism" of 50,000,000 guilders per month, retroactive to 1 July 1941, of which 10,000,000 per month was paid in gold (*ECR–195*). By 31 March 1944, this "contribution" amounted to 2,150,000,000 RM. (*EC–86*)

It is immaterial whether this "contribution" was made at the direction of Seyss-Inquart or was in fact the "voluntary" act of the then President of the Netherlands Bank and Treasurer in the Ministry of Finance, Van Tonningen. Van Tonningen was appointed by Seyss-Inquart and acted in the German interest. His acts, like that of civilian administrators in occupied territories generally, must be charged to the occupant. (See *infra, Conclusion.*) The spirit in which he discharged his duties is sympathetically described by the German Commissar at the Netherlands Bank as follows:

> "The new President of the Netherlands Bank, Mr. Rost van Tonningen, is, in contrast to a large part of the leadership, penetrated in his movements and his official acts by the greater German thought, and convinced of the necessity of the creation of a greater European economic space. This ideological attitude in itself gives him the correct position

> on financial and monetary policy questions for his country in relation to the greater German economic space. Furthermore, it makes easier cooperation with my office, a fact which deserves special mention in consideration of the frequently observed passive conduct of the Netherlands agencies before the entrance into office of the new President. I consider as a fortunate solution the fact that the Reichskommissar for the Occupied Dutch Areas has also entrusted Mr. Rost van Tonningen with the Treasury of the Ministry of Finance (*Schatzamt des Finanzministeriums*). Mr. Rost van Tonningen took over this office at the end of the month of April. Thus there is a guarantee that the financial and monetary policy of the country will be conducted according to unified points of view." (*ECR–196*)

(2) *The Nazi conspirators financed exports from the occupied countries to Germany by means of forced loans under the guise of clearing agreements.*

Belgium

The principle of the clearing system is as follows:

The importer makes a deposit of the purchase price in his own currency at the national clearing agency of his country, which places the same amount to the credit of the clearing agency of the exporting country. The latter institution then pays the exporter in his own currency. Thus if trade between two countries is unequal the clearing agency of one acquires a claim against the agency of the other which, however, is satisfied only when a shift in the balance of trade gives rise to an offsetting claim.

In the order establishing the German-Belgium clearing, the Belgium clearing agency was the National Bank of Belgium (*3608–PS*). The administration of the clearing was shortly thereafter transferred to Emission Bank, an organization originally incorporated by Belgian interests pursuant to order of the Military Commander of 27 June 1940 (*ECR–24*). The change was one in name only, however, since at this time the management of the two banks was substantially identical and the Emission Bank obtained its currency by loan from the National Bank. The Emission Bank was, by its charter terms, subject to orders of the Commissar at the National Bank; the Commissar obtained the same powers over the National Bank by German order of 16 December 1940. (*ECR–24*)

The Belgian total "credit" under the clearing, as of 31 July 1944, amounted to 60,837,000,000 bfrs = 4,867,000,000 RM, of which 54,993,000,000 bfrs = 4,399,000,000 RM arose from the Belgian-German clearing for goods and services. (*ECR-173*)

The continued increase in the Belgian "credit" was due mainly to "the increasing Belgian export to Germany for which there are only small imports from Germany on the other side of the account." (*ECR-149*)

The entire Belgian credit under the clearing constitutes a forced loan, largely for nonoccupation purposes:

(*a*) The Belgian-German clearing was established by circular of the Reichs Minister of Economics, 4 July 1940 (*ECH-6*), which was published to the Belgians by proclamation of the Military Commander of 10 July 1940 (*EC-604*; *3608-PS*).

(*b*) "Since it was to be foreseen that as the result of the increased deliveries from Belgium to the Reich, which were not matched by opposite accounts, particularly in the early period, the clearing status would develop to the favor of the Emission Bank" (*ECR-24*), an agreement was signed by the Emission Bank and the German Reichsbank on 16/17 August 1940 under which each undertook to pay out clearing transfers immediately (*ECR-24*; *ECH-5*).

(*c*) This agreement did not prescribe what must be financed through the clearing; it merely provided for immediate payment of claim arising thereunder without waiting until the account should be balanced by equalizing of imports and exports. As the Military Commander stated, the German-Belgian clearing was "not regulated by an agreement, but has been regulated unilaterally by my proclamation of 10 July 1940" (*EC-604*). The Military Commander made clear the absolute power asserted by the German authorities over the Belgian Note Banks (as the Germans described the Emission and National Banks). He stated:

> "* * * The claim made to the Commissar that the Emission Bank is entitled to ask in every case for detailed explanation of compensation payments coming from Germany is incorrect. The clearing activities between Germany and Belgium are not regulated by an agreement but have been regulated unilaterally by my proclamation on July 10, 1940 and are not subject to any Belgian control. Inter-alia the transfer of all payments which have been specially authorized by the Reich Ministry of Economy has been expressly permitted * * *." (*EC-604*)

(*d*) The Commissar freely invoked his directive power over the Note Banks.

1. When, in April 1941, the clearing balance of the Emission Bank exceeded 1,500,000 bfrs the Emission Bank refused to pay out several large sums arising by virtue of German-Belgian "capital" transactions. Thereupon, the Commissar issued an order directing the bank to make the payment. (*ECR–24*)

2. In December 1941, the Emission Bank refused to pay out a sum of 43,256,000 RM transferred from Paris. The Commissar thereupon issued an order directing the bank to do so. (*ECR–172*)
3. In October 1942, the Emission Bank refused to pay out certain amounts expended for purchases on the Belgian black market. The military administrator, however, "held down the increasing resistance of the Note Banks which culminated at the end of October of this year in a public threat of resignation by the Governor of the National Bank, by the heaviest pressure, and forced the Note Banks, while emphasizing his willingness to negotiate on certain Belgian proposals, again to take up the global clearing transfers for German procurement agencies which were cut off for a period" (*ECR–132*). The nature of this pressure is explicitly shown in the following communication from the Commissar to the President of the Emission Bank dated 29 October 1942:

"The Military Commander has ordered me to inform you of the following:

"The requested extension of time for the resumption of business relations with the Armed Forces Clearing Institute (*Wehrmachtverrechnungskasse*) and for the payment of the arrears of RM 60 million have been denied. An official will determine tomorrow at 10 a.m. whether payment has been made.

"Severest measures against you and all responsible parties must be expected in case of failure to pay.

"If acts of sabotage occur on the equipment and the values of the National Bank or the Emission Bank, you and the gentlemen designated on the enclosed list will be held responsible personally and your property will be seized. Your liability is a joint one." (*EC–605*)

France

The "credit" balance of the Bank of France under the Franco-German clearing established on 14 November 1940 amounted to 4,400,000,000 RM as of September 1943 (*3615–PS*). The clearing arrangement was designed, of course, principally for the financing of exports, that is, for purposes not related to the needs of the occupation army. (*EC–619*)

Coercion in the establishment of the Franco-German clearing is readily demonstrable. Extreme pressure was brought to bear, particularly in regard to the rate of exchange established in the agreement, by threatening to cut off communications between "occupied" and "nonoccupied" zones in France (*3602–PS*; *3603–PS*), a step which would have destroyed the last vestige of economic order in France. The harsh terms of the agreement, which required the Bank of France to make immediate payment for exports to Germany regardless of the balance of trade, fixed the rate of exchange at 20 francs to the mark (as compared to 10 to 1 before the war), and gave Germany a unilateral option to cancel at any time, forcibly suggest that the agreement would not voluntarily have been accepted. (*EC–619*)

Holland

The clearing system between Holland and Germany was of short duration, being cancelled effective 1 April 1941, when free transfer of Reichsmarks to Holland was introduced. (See *infra*, D, (5).) It is therefore not deemed of sufficient importance to warrant discussion at this point.

(3) *The Nazi conspirators unlawfully took over the gold reserve of the National Bank of Belgium and the Netherlands Bank in the interest of the German general war effort.*

Belgium

The gold of the National Bank, deposited with the Bank of France and transferred to Dakar, was brought to Berlin pursuant to German-French "agreement" in the amount of 545,700,000 RM (*ECR–149*), and there deposited with the Reichsbank in Berlin (*ECR–24*). Because of the "high demands on gold and foreign exchange" which led to a "considerable straining of the reserves" (*EC–401*), the "Reich Government felt itself required to lay claim to the gold of the National Bank for the Reich" (*ECR–149*). A decision to proceed by requisitioning under paragraph 52 of the Hague Regulations (*EC–401*) was not executed, apparently because of fears on the part of the Reichsbank that title thus acquired would not be recognized (*ECR–115*). On order of Goering (*ECH–5, part 9, Annex XIII*), the gold was then "requisitioned on 19 September 1942 by the Oberpraesident of the Province of Mark Brandenburg for the Deputy of the Four-Year Plan, on the basis of the Reich Contribution Law (*Reichsleistungsgesetz*) of 1.IX.1939 (Sec. 15, paragraph 1, No. 5, and Sec. 2a)" (*ECR–149*).

Holland

As shown above, part of the Dutch "voluntary" contribution to the "war against Bolshevism" was paid in gold. The gold was, in fact, taken from the Netherlands Bank. (*EC–401*)

(4) *The Nazi conspirators unlawfully compelled the nationals of the occupied countries to surrender and offer for sale all precious metals and foreign exchange to the local central banks, which delivered them to the German Reichsbank.*

Belgium

By German decree of 17 June 1940 and administrative orders issued pursuant thereto the Belgians were required to surrender gold and foreign exchange notes to the Emission Bank, which in turn, delivered the loot to the Reichsbank (*ECR–24*).

By May 1943, the Reichsbank had acquired in this fashion gold and foreign exchange of the value of 23,400,000 RM. (*ECR–149*)

Holland

Gold and foreign exchange delivered by the Netherlands Bank to the Reichsbank "on the basis of the direction of the Reichsmarshal" (Goering) amounted to 74,000,000 RM through November 1940. (*EC–465*)

France

It is believed that the same practice was followed in France, but evidence as to details has not been found in the German documents presently available.

(5) *The Nazi conspirators used German Reichsmarks as currency in the Netherlands, for purposes unrelated to the needs of the occupational troops, which currency they caused to be freely exchanged for gulden by the Netherlands Bank.* The Nazi conspirators, animated in part by the view that the Netherlands were "akin in blood to the German nation" (*3613–PS*), sought to promote a "mutual interpenetration of the German and Netherlands economies" through the acquisition by Germans of Dutch participations (*EC–468*) and Dutch investment in German securities. (*ECR–174*)

To this end, restrictions on the free transfer of Reichsmark and gulden across the German-Dutch border were removed. Conversations between the Reich Economics and Finance Ministers in October 1940 led to the first step in this direction, the issuance by the Economics Minister of a Circular (*Runderlass*) — No.

89/40—which produced substantial changes in the foreign exchange control along the German-Dutch borders (*EC–468*). This provided, *inter-alia,* that RM 1,000 or its equivalent in gulden could be taken across the German-Dutch border by travelers or in border trade without permit, and permitted Germans to transfer to Holland up to 5,000 RM per person per month for any purpose except purchase of goods without any permission (*EC–468*).

These relaxations were made effective in Holland by free exchange of Reichsmarks for gulden by the Netherlands Bank, introduced "on the initiative" of the Commissar, and by enforced acceptance of Reichsmark currency by the Dutch business population. (*EC–468*) .

The Reichsmarks thus made available in the Netherlands were mainly used to purchase Dutch securities on the stock exchange (*EC–468*). Permission to make such purchases was extended to a large number of German banks by the German Ministry of Economics. The transfers were made with "reluctance" by the Dutch, in connection with which the Reich Commissar at the Netherlands Bank observed, "it may be pointed out with some justification that an out-payment of gulden made against a Reichsmark credit, which can only result through the burdening of the Netherlands State credit, represents no genuine transfer" (*EC–468*).

Notwithstanding the objections of the then Commissar at the Netherlands Bank (*EC–468*), circular 87/40 was soon followed by No. 29/41 of 31 March 1941, which abolished almost completely all restrictions on the free use of the Reichsmark in Holland (*ECR–197*). Circular 29/41 provided that all foreign exchange transactions between Germany and the Netherlands were freed of control, the only important exception being that German investments of more than 100,000 gulden in Holland required permission of the Reichskommissar in the Netherlands. The clearing agreement was abolished, and payments between Germany and the Netherlands were permitted by simple bank checks, drafts, or postal money orders. A simultaneous order by the Reich Commissar for the Occupied Netherlands Areas lifted all restrictions set by Netherlands foreign exchange law on such transactions (*ECR–197*).

After this "introduction of free payments traffic" or "removal of the foreign exchange frontiers," payments for exports from Holland were made in Germany "through the accounts of the banks, mainly through the account of the Netherlands Bank, which takes on the exchange into gulden means of payment without further formalities." (*ECR–174*)

This exchange presumably merely continued the practice introduced earlier at the "instigation" of Seyss-Inquart. At all events, the President of the Bank, van Tonningen, was a Nazi agent, and his acts may be charged to the Nazi conspirators.

The result of this radical step was this:

> "Ever since the introduction of free payments traffic the status of the Netherlands Bank is mainly influenced by the taking up of Reichsmarks. On 31 March 1941, the day before the introduction of free payments traffic, the Netherlands Bank had a total stock of about 83 million RM of Reichsmark credits, on 30 April 1941 of about 213 million RM, and on 31 May 1941 of about 366 million RM. Thus, in the two months after the removal of the foreign exchange frontier, it has taken up about 283 million RM, the gulden equivalent, at the rate of RM 132.7 equals florin 100, on the basis of the transfer agreement with the Reichsbank." (*ECR–174*)

Thus the Netherlands Bank was caused to pledge its credit (in the form of Dutch currency) in exchange for a Reichsmark credit. In this manner the Nazi conspirators were enabled to exact from the bank a loan unlimited in quantity and beyond the bank's control, by the simple expedient of writing out a check in Germany.

E. *Argument and Conclusion.*

The acts of the Nazi conspirators as revealed by the evidence constitute war crimes within the meaning of Article 6 (B) of the charter of the International Military Tribunal. Two general observations should be made at the outset. In the first place, the pertinent provisions of the Hague Regulations (*3737–PS*) are controlling. The Germans entered into an Armistice Agreement with only one of the countries under discussion (France), and the Franco-German Armistice Agreement of 22 June 1940 contains nothing which purports to confer on the occupant powers broader than those which may be exercised under the Hague Regulations. Article 3 of the Armistice reserves to Germany in the occupied zone "all the rights of the occupying power." No other provision is material here. The language of Article 3 plainly does not purport to qualify in any way the otherwise binding terms of the Hague Regulations. The German position (*EC–113*) that "the rights of Article 3 are more extensive than the rights of the occupation power in the Hague Regulations" and permitted Germany to base thereon "all measures which are, according to her own judgment, necessary for the continuation of the war against England," is therefore plainly untenable.

Secondly, the collaboration of certain French, Dutch, and Belgian officials is legally immaterial and does not serve to shield the Nazi conspirators from responsibility for the acts done in the territory under German control. Belgium, Holland, and a large part of France were under German occupation throughout the period in question and, after 10 November 1942, so-called Vichy France was overrun and occupied as well. It is accepted doctrine that governmental authority is completely, albeit temporarily, vested in the occupant during the period of its control. Whether the occupant elects to employ the existing administrative machinery and personnel or substitute its own, is solely a question of political and administrative convenience; the choice is without legal significance. The civil administration of an occupied country, it may be confidently asserted, has no independent legal status whatever.

(1) *The acts of the Nazi conspirators as revealed by the evidence are prohibited by the Hague Regulations.*

(*a*) *The forcible removal of machinery, foodstuffs, and raw materials.* It has been shown above that the Nazis forcibly removed large quantities of machinery, foodstuffs, and raw materials to Germany, including even church bells and the strategic metals contained in the transmission systems of the occupied countries. Articles 52 and 53 of the Hague Regulations (the only pertinent provisions) provide no basis for such action.

Article 52 of the Hague Regulations declares that requisitions in kind and services shall not be demanded except for "the needs of the occupation army," a limitation deliberately substituted for the less restrictive one of "military necessity" which had previously been contained in the Brussels Declaration of 1874 (*Conference Internationale de la Paix, La Haye,* 1899, Part I, p. 60; Part III, pp. 45, 181). It is settled that requisitions for export to the country of the occupying power is violative of Article 52 (see Feilchenfeld, *The International Law of Belligerent Occupation,* Washington, 1942, pars. 148–149, and cases cited).

The argument, advanced by the Germans in defense of such requisitions during the first World War (see Garner, *International Law and World War,* Vol. II, p. 126,n) and frequently again during the recent conflict (*EC–344–7; ECH–16*), that the limitations of Article 52 may be disregarded in case of military necessity, is not well founded. Article 23g, which permits the destruction of private property when "imperatively demanded by the necessities of war," is included among the provisions relating to the rights of belligerents in the conduct of military operations, and has no relation to the powers of a belligerent in an occupied area in which conflict has ceased (see Garner, *loc. cit. supra*). The latter are governed, so far as material here, by Articles 42–56.

Apart from Article 23g, there is no basis whatever for the German position. The Hague Regulations are limitations on the powers which may be exercised under the plea of military necessity (II, Oppenheim, *International Law*, 6th Edition Revised, edited by Lauterpacht, p. 185, n.1). An exception for cases of alleged military necessity, therefore, cannot be implied. The deliberate substitution of the present terminology in lieu of the vague limitations of "military necessity" as contained in the Brussels Declaration of 1874, moreover, would seem to remove all basis for a contrary construction.

Article 53 provides no better support for the Nazis' action. The second paragraph, relating to private property, states:

> "All appliances, whether on land, on sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms and, generally, all kinds of munitions of war, may be seized even if they belong to private individuals, but must be restored and compensation fixed when peace is made."

This Article, it may be conceded, authorizes not only the sequestration but the use of all matters within its reach. The term "munitions of war," however, clearly refers only to chattels (Feilchenfeld, *supra*, par. 351). It does not, therefore, include machinery affixed to the realty. The German legal advisors uniformly so conceded during this war (*EC–560*; *EC–84*; *EC–263; EC–344–7*). The suggestion that Article 53 is subject to an implied exception in the case of military necessity (*EC–344–7*) is, for reasons noted above, untenable. It is equally clear that the deliberate removal of the metal content of the transmission systems in the occupied areas is without legal basis. Article 53 in terms requires restoration when peace is made and, whatever exceptions may be implied in case of munitions which are necessarily consumed by use, no basis can be found for the deliberate destruction of transmission facilities.

The question as to the class of chattels included within the deliberately general term "munitions of war" is not free from doubt. The right of seizure is based on military necessity, namely, the danger of leaving at large things which are peculiarly adapted to warlike purposes (Spaight, *War Rights on Land*, p.

512). It should accordingly be limited to those things which are "susceptible of direct military use" (see British Manual of Military Law, 1929, Amendment No. 12, par. 415; U. S. Army Basic Field Manual on Rules of Land Warfare, FM 27–10, 1940, par. 332). Article 53, which contains no limitation restricting seizures to the needs of the occupation army, would otherwise completely nullify the deliberate limitations on the right of requisition imposed in Article 52. In this view, raw materials and even semifinished goods, save perhaps such goods as are normally part of military equipment, would seem outside the reach of Article 53.

(*b*) *The control and direction of production and distribution in the German interest.* The planned control and direction of the economy of the occupied countries in the interest of the German war effort constitute a violation of Article 52. This seems clearly true to the extent that production and sale for export to Germany were ordered by the *Ruestungsobmann* pursuant to Speer's directive late in 1943. It would seem equally true of the earlier method of control by prohibitions and restrictions. For the net effect of the priority system was to leave no alternative to producing in the German interest save to cease operations. And even this alternative was not available, since the power to appoint a commissar in case of recalcitrant plants was expressly reserved.

Article 53, which is limited to chattels and has no relation to the demanding of personal services in any event, provides not even a remote basis for the imposition of the controls in question.

In what has been said, it is not meant to be suggested that an occupant is without power to institute a system of rationing for articles in short supply with the aim of securing an equitable distribution among the population of the occupied area. Such a measure is plainly related to the promotion of economic order and there is nothing in the Hague Regulations which restricts even requisition for the needs of the local population. The Nazi controls, however, were exercised, not in the interest of the local population, but to fulfill the general war requirements of Germany, in the Reich as well as in the occupied area.

(*c*) *Levy of occupation charges for purposes not related to the needs of the occupation army.* Article 49 of the Hague Regulations limits the levy of occupation charges to the "needs of the army or of the administration of the territory in question." The only purpose for which such contributions may be levied (other than for the financing of the costs of administration, a matter not material here), is to supply the needs of the army of occupation (*Conference Internationale de la Paix, La Haye,* 1899, Pt. I, p. 60; Feilchenfeld, *supra,* par. 167; Spaight, *supra,* pp. 384–392). The power to levy contributions is reserved in order to permit an equitable distribution among the entire community of costs which, if supplies were requisitioned, would fall directly and solely on the owners of the requisitioned property (Spaight, *supra,* pp. 387–389). Accordingly, the levy of contributions to finance exports or for other purposes unrelated to the needs of the army in the territory in question would seem plainly forbidden (Feilchenfeld, *supra,* par. 167; Spaight, *supra,* pp. 384–392).

Moreover, as Article 49 refers to the occupation army only, the levy of contributions to support the troops engaged in military operations against an enemy located outside the boundaries of the occupied country or to finance other general war expenses would seem prohibited.

(*d*) *Forced loans.* Forced loans can be justified only as contributions and are therefore subject to the same limitations (Feilchenfeld, *supra,* par. 185). The forced loans under the Belgian-German and Franco-German clearing arrangements, were executed largely to finance exports to Germany, that is, for nonoccupation purposes.

(*e*) *The exchange of reichsmarks for gulden by the Netherlands Bank.* These transactions, whether viewed as resulting in a loan or merely in an exchange, constitute a contribution of money for nonoccupation purposes. It may be assumed that they were carried out "voluntarily" while the Netherlands Bank was under the immediate direction of Rost Van Tonningen. This circumstance is immaterial, however, since Van Tonningen was a civil official appointed by Seyss-Inquart, and his authority, like that of civilian officials in occupied areas generally, was derived solely from that of the occupant.

(*f*) *The taking over of gold of the National Bank of Belgium and the Netherlands Bank.* That the gold of the National Bank of Belgium was private property is not disputed; the Nazi conspirators proceeded on this view in the original decision to requisition under Article 52 (*EC–401, second enclosure*). Confiscation under Article 53, first paragraph, therefore, was not open to the Nazi conspirators; so far as appears they never considered such a step.

It may be assumed for purposes of argument that gold is subject to requisition under the Hague Regulations. Requisition may be made, however, only for the needs of the occupation army. It cannot be resorted to to relieve the "considerable straining of the reserves" of Germany.

The gold reserve of the Netherlands Bank, it is believed, is private property, no less than that of the National Bank of Belgium. In this view, the taking over of the gold of the Netherlands Bank was likewise illegal. There is, of course, no basis in law for exacting a contribution for the so-called "war against Bolshevism," to use the Nazis' phrase. And, for the reasons indicated above, it is immaterial whether these "contributions" were "voluntarily" made by Van Tonningen.

(*g*) *The compulsory surrender of gold and foreign exchange.* The requirement of surrender of gold and foreign exchange for ultimate delivery to the Reichsbank amounts in substance to a requisition and cannot be supported because obviously done solely to maintain the reserves of foreign exchange for the total war effort, not for the needs of the occupation army alone.

(*h*) *The acquisition of business interests.* The Nazis' acquisition of Belgian, Dutch, and French participations was unlawful. That this is so in the case of the sales ordered by the Ministry of Economics is clear (*EC–43*). The conclusion should be the same even when sale was not expressly ordered. These purchases were financed through the clearing system (which, as shown above, constituted a forced loan) and out of occupation cost funds. Since such expenditures bore no relation to the needs of the occupation army or, indeed, served any purpose other than to enrich the Nazi conspirators and their nominees, the Nazi program for acquisition of participations was in plain violation of Article 49 of the Hague Regulations.

(2) *Such acts constitute "plunder of public or private property" within the meaning of Article 6 (B) of the Charter of the International Military Tribunal.* Save as they may be authorized by International Law (and hence "consented" to by the occupied countries), the acts complained of are of a character condemned by the criminal code of the occupied countries and, indeed, of all civilized nations. Absent such authority, the forcible permanent taking of money or other property whether from Government agencies or private persons, constitutes larceny or, as known in the international law of belligerent occupation, "pillage" (Garner, *supra,* pp. 472–473). The question of which court or courts may try and punish for the offense is one of jurisdiction only (see Garner, *supra,* pp. 475–480) and has been resolved by the Agreement and Charter of the International Military Tribunal.

CHAPTER XIII

LEGAL REFERENCES AND LIST OF DOCUMENTS RELATING TO GERMANIZATION AND SPOLIATION

Document	Description	Vol.	Page
	Charter of the International Military Tribunal, Article 6, especially 6 (b, c)	I	5
	International Military Tribunal, Indictment Number 1, Sections III; VIII (E, J)	I	15,43, 51
3737–PS	Hague Convention of 1907 respecting the Laws and Customs of War on Land, Annex, Articles 49, 52, 53, 55	VI	598, 599
	Note: A single asterisk (*) before a document indicates that the document was received in evidence at the Nurnberg trial. A double asterisk (**) before a document number indicates that the document was referred to during the trial but was not formally received in evidence, for the reason given in parentheses following the description of the document. The USA series number, given in parentheses following the description of the document, is the official exhibit number assigned by the court.		
*061–PS	Secret Bormann letter, 11 January 1944, concerning large-scale organization for withdrawal of commodities from occupied territories for use of bombed-out population in Germany. (USA 692)	III	105

Document	Description	Vol.	Page
*294–PS	Top secret memorandum signed by Brautigam, 25 October 1942, concerning conditions in Russia. (USA 185)......................	III	242
*661–PS	Secret thesis from the Academy of German Law, January 1940, on Resettlement. (USA 300)........	III	472
*686–PS	Decree of the Fuehrer and Reich Chancellor to strengthen German Folkdom, 7 October 1939, signed by Hitler, Goering, Lammers and Keitel. (USA 305)..............	III	496
*862–PS	Memorandum by General Friderici, Plenipotentiary of the Wehrmacht to the Reich Protector of Bohemia and Moravia, initialled by Keitel, Jodl and Warlimont, 15 October 1940, concerning plan to Germanize Czechoslovakia. (USA 313)......................	III	618
*910–PS	Notes on Himmler's plan for Germanization of Poland, 27 and 30 March 1942, from the Main Office, Interior Administration, initialled "Dr. S. H.". (USA 310)..........	III	639
997–PS	Top secret report by Seyss-Inquart concerning the situation in the Netherlands — Exploitation and Nazification in period 29 May to 19 July 1940....................	III	641
*1029–PS	Paper entitled "Instructions for a Reich Commissar in the Baltic States", 8 May 1941, found in Rosenberg's "Russia File". (USA 145).........................	III	690
*1058–PS	Excerpt from a speech, 20 June 1941, by Rosenberg before people most intimately concerned with		

Document	Description	Vol.	Page
	Eastern Problem, found in his "Russia File". (USA 147)........	III	716
*1352–PS	Reports concerning the confiscation of Polish agricultural properties, 16 and 29 May 1940, signed Kusche. (USA 176).............	III	916
1445–PS	Report on conference at Ministry of Economics regarding use of Belgian and Dutch capital investments in southeastern European enterprises, 15 June 1940.........	IV	20
*1456–PS	Thomas memorandum 20 June 1941; Keitel consulted about resources of USSR. (USA 148)......	IV	21
1741–PS	Collection of documents relating to the French Armistice..........	IV	228
1765–PS	Report of the Commissioner for the Four Year Plan Plenipotentiary for Special Missions on Black Market Activities, 15 January 1943..........................	IV	325
*1918–PS	Speech by Himmler to SS officers on day of Metz. (USA 304).......	IV	553
1991–PS	Sixth report on activity and final report of the German Armistice Delegation for Economy, and of Delegate of Reich Government for Economic and Financial Questions with French Government, 1 July 1943 to 17 August 1944..........	IV	605
*1997–PS	Decree of the Fuehrer, 17 July 1941, concerning administration of Newly Occupied Eastern Territories. (USA 319):.............	IV	634
2149–PS	Letter, 11 December 1942, to Foreign Office, enclosing statement of German Reichsbank concerning question of an increase of French		

Document	Description	Vol.	Page
	contributions to Occupation expenses	IV	758
*2233-D-PS	Frank Diary. Regierungsitzungen. 1941. October-December. Entry of 16 December 1941 at pp. 76-77. (USA 281)	IV	891
*2233-G-PS	Frank Diary. 1939. 25 October to 15 December. (USA 302)	IV	903
*2233-H-PS	Frank Diary. Tagebuch. 1941. Part II. Entry of 19 April 1941. (USA 311)	IV	904
*2749-PS	Title page of publication of Academy for German Law, 7th year, 1940. (USA 301)	V	390
*2915-PS	Extracts from German Labor, June-July 1942. (USA 306)	V	580
*2916-PS	Commitment of Manpower Doctrines-Orders-Directives, published by Office of Reich Commissioner for strengthening of National Character of German People, December 1940. (USA 307)	V	581
3602-PS	Report on conversation (interview) between Mr. Hemmen and Mr. de Boisanger, 4 October	VI	314
3603-PS	Report on conversation between Mr. Hemmen and Mr. de Boisanger, 10 October	VI	314
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Chapter XIV

THE PLUNDER OF ART TREASURES

I. THE EINSATZSTAB ROSENBERG

A. *Formation, Purpose, Powers.*

On 29 January 1940 Hitler issued a decree in the following terms:

> "The 'Hohe Schule' is supposed to become the center for national-socialistic ideological and educational research. It will be established after the conclusion of the war. I order that the already initiated preparations be continued by Reichsleiter Alfred Rosenberg, especially in the way of research and the setting up of the library.
>
> "All sections of Party and State are requested to cooperate with him in this task." (*136–PS*)

What began as a project for the establishment of a research library developed into a project for the seizure of cultural treasures. (*141–PS*)

On 1 March 1942 Hitler issued a decree in which he asserted that Jews, Freemasons, and affiliated opponents of National Socialism are the authors of the War against the Reich, and that a systematic spiritual battle against them is a military necessity. The decree thereupon authorized Rosenberg to search libraries, archives, lodges, and cultural establishments, to seize relevant material from these establishments as well as cultural treasures which were the property or in the possession of Jews, which were ownerless, or the origin of which could not be clearly established. The decree directed the cooperation of the *Wehrmacht* High Command and indicated that Rosenberg's activities in the West were to be conducted in his capacity as Reichsleiter and in the East in his capacity as Reichsminister. (*149–PS*)

This decree was implemented by a letter from Dr. Lammers, Reichsminister and Chief of Chancellory, directed to the "Highest Reich Authorities and the Services directly subordinate to the Fuehrer." The letter reiterated the terms of the Hitler decree and requested support of the Reich authorities in Rosenberg's fulfillment of his task. (*154–PS*)

B. *Scope of Activities.*

Rosenberg's activities in fulfillment of the above decrees were extended, in the West, to France (*138–PS*), Belgium (*139–PS*), the Netherlands (*140–PS*), Luxembourg (*137–PS*), and Norway and Denmark. (*159–PS*)

In the East activities were carried out throughout the Occupied Eastern Territories (*153–PS*), including the Baltic states and the Ukraine (*151–PS*), as well as in Hungary (*158–PS*), Greece (*171–PS*), and Yugoslavia. (*071–PS*)

The function of the Rosenberg Organization included not only the seizure of books and scientific materials specified in the original Hitler Order (*171–PS*), but the seizure of private art treasures (*1015–B–PS*), public art treasures (*055–PS*), and household furnishings. (*L–188*)

C. *Cooperating Agencies.*

On 5 July 1940 Keitel (Chief of the OKW) informed the Chief of the Army High Command (OKH) and the Chief of the Armed Forces in The Netherlands that the Fuehrer had ordered that Rosenberg's suggestion be followed, to the effect that certain libraries and archives, chancelleries of high church authorities, and lodges be searched for documents valuable to Germany or indicating political maneuvers directed against Germany, and that such material be seized. The letter further stated that Hitler had ordered the support of the Gestapo and that the Chief of the Sipo (Security Police), SS-Gruppenfuehrer Heydrich, had been informed and would communicate with the competent military commanders. (*137–PS*)

Keitel issued a further order to the Chief of the OKH, France, on 17 September 1940, providing:

> "The ownership status before the war in France, prior to the declaration of war on 1 September 1939, shall be the criterion.
>
> "Ownership transfers to the French state or similar transfers completed after this date are irrelevant and legally invalid (for example, Polish and Slovak libraries in Paris, possessions of the Palais Rothschild or other ownerless Jewish possessions). Reservations regarding search, seizure and transportation to Germany on the basis of the above reasons will not be recognized.
>
> "Reichsleiter Rosenberg and/or his deputy Reichshauptstellenleiter Ebert has received clear instructions from the Fuehrer personally governing the right of seizure; he is entitled to transport to Germany cultural goods which appear valuable to him and to safeguard them there. The Fuehrer has reserved for himself the decision as to their use.
>
> "It is requested that the services in question be informed correspondingly." (*138–PS*)

The above order was extended to Belgium on 10 October 1940

(*139–PS*), and an identical order was issued by the Chief of the OKH to the Armed Forces Commander in The Netherlands on 17 September 1940. (*140–PS*)

Hitler's order of 1 March 1942 stated:

> "Directions for carrying out this order in cooperation with the Wehrmacht will be issued by the Chief of the Wehrmacht High Command in agreement with Reichsleiter Rosenberg." (*149–PS*)

Dr. Lammers' order of 5 July 1942 declared that the Chief of the OKH, in agreement with Keitel, would issue regulations governing the cooperation with the Wehrmacht and the Police Services for assistance in making seizures. (*154–PS*)

An official of the Rosenberg Ministry for the Occupied East declared the Wehrmacht to be one of the primary agencies engaged in removing art treasures from Russia. (*1107–PS*)

Cooperation of the SS and the SD was indicated by Rosenberg in a letter to Bormann on 23 April 1941:

> "* * * It is understood that the confiscations are not executed by the regional authorities but that this is conducted by the Security Service as well as by the police. * * * it has been communicated to me in writing by a Gauleiter, that the chief office of the Reich Security (RSHA) of the SS has claimed the following from the library of a monastery: * * *." (*071–PS*)

The above letter also points out that there has been

> "* * * close cooperation on the widest scale with the Security Service and the military commanders. * * *
>
> "This affair (Operations in Salonika) has already been executed on our side with the Security Service (SD) in the most loyal fashion." (*071–PS*)

The National Socialist Party financed the operations of the *Einsatzstab Rosenberg*. (*090–PS; 145–PS*)

In a letter to Goering, 18 June 1942, Rosenberg voiced the opinion that all art objects and other confiscated items should belong to the National Socialist Party because the Party has been bearing the brunt of the battle against the persons and forces from whom this property was taken. (*1118–PS*)

D. *Cooperation of Hermann Goering.*

On 5 November 1940, Goering issued an order specifying the distribution to be made of art objects brought to the Louvre. The order lists as second in priority of disposition, "Those art objects which serve to the completion of the Reichsmarshal's collection" and states that the objects will "be packed and shipped to Germany with the assistance of the Luftwaffe." (*141–PS*)

On 1 May 1941 Goering issued an order to all Party, State, and Wehrmacht Services requesting them:

> "* * * to give all possible support and assistance to the Chief of Staff of Reichsleiter Rosenberg's Staff, Reichshauptstellenleiter Party Comrade Utikal, and his deputy DRK-Feldfuehrer Party Comrade von Behr, in the discharge of their duties. The above-mentioned persons are requested to report to me on their work, particularly on any difficulties that might arise." (*1117–PS*)

On 30 May 1942, Goering claimed credit for the success of the *Einsatzstab:*

> "* * * On the other hand I also support personally the work of your *Einsatzstab* wherever I can do so, and a great part of the seized cultural goods can be accounted for because I was able to assist the *Einsatzstab* by my organizations." (*1015–I–PS*)

E. *Method of Operation.*

The staff of the *Einsatzstab Rosenberg* seized not only "abandoned" art treasures but also treasures which had been hidden, or were left in the custody of depots or warehouses, including art treasures that were already packed for shipment to America. (*1015–B–PS*)

Robert Scholz, Chief of the Special Staff for Pictorial Art, described the thoroughness with which the *Einsatzstab* conducted investigations and seizures:

> "* * * These seizures were carried out on the basis of preliminary exhaustive investigations into the address lists of the French Police authorities, on the basis of Jewish handbooks, warehouse inventories and order books of French shipping firms as well as on the basis of French art and collection catalogs.
>
> "* * * The seizure of ownerless Jewish works of art has gradually extended over the whole French territory." (*1015–B–PS*)

In the East, members of Rosenberg's staff operated directly behind the front in close cooperation with the infantry. (*035–PS*)

Von Behr, in a progress report dated 8 August 1944, described the method of seizing household furnishings:

> "The confiscation of Jewish homes was effected in most cases in such a way that the so-called confiscation officials went from house to house when no records were available of the addresses of Jews who had departed or fled, as was the case for example, in Paris * * * They drew up inventories of these homes and subsequently sealed them . . . .
>
> "The goods are dispatched first, to large collecting camps from where they are turned over, sorted out and loaded for Germany.
>
> "* * * work shops were established for cabinet-makers, watchmakers, shoemakers, electricians, radio experts, furriers, etc. All incoming goods were diligently sorted out and those not ready for use were repaired. Moreover special boxes were dispatched for the use of special trades * * *
>
> "For the sorting out of the confiscated furniture and goods on the invisible assembly line and for the packing and loading, exclusive use was made of interned Jews. Because of its experience as to confiscation, as to working systems within the camps, and as to transportation, the Office West was able to reorganize their entire working system and thus to succeed in providing for the use in Germany of even things which appeared to be valueless such as scrap paper, rags, salvage, etc. * * *" (*L–188*).

F. *Nature, Extent, and Value of Property Seized.*

(1) *Books, manuscripts, documents, and incunabula.* A report on the library of the *"Hohe Schule,"* prepared by Dr. Wunder, lists the most significant book collections belonging to the library and confiscated by the *Einsatzstab Rosenberg* in accordance with the orders of the Fuehrer, as follows (*171–PS*):

	(approx.)	
Alliance Israelite Universelle	40,000	Vols.
Ecole Rabbinique	10,000	Vols.
Federation de Societe des Juifs de France	4,000	Vols.
Lipschuetz Bookstore, Paris	20,000	Vols.
Rothschild Family, Paris	28,000	Vols.
Rosenthaliana, Amsterdam	20,000	Vols.
Sefardischen Jewish Community, Amsterdam	25,000	Vols.
Occupied Eastern Territories	280,000	Vols.
Jewish Community, Greece	10,000	Vols.
"Special Action", Rhineland	5,000	Vols.
Other sources	100,000	Vols.
	552,000	

An undated report on the activities of the *Einsatzstab* Working Group, Netherlands, lists Masonic Lodges and other organizations whose libraries and archives have been seized. The report states that 470 cases of books had already been packed and reports materials seized from 92 separate lodges of the *"Droit Humain"*, the *"Groot Oosten"*, the "IOOF" and the "Rotary Club". An additional 776 cases containing approximately 160,000 volumes were seized from the International Institute for Social History at Amsterdam. An additional 170 cases were seized from the "Theosophischen Society" and other organizations. (*176–PS*)

The report further states that the value of the above works is between 30 million and 40 million Reichsmarks. Additional materials to be derived from other sources, including 100,000 volumes from the "Rosenthaliana" collection, are estimated to have a value of three times that of the above, or an additional 90 million to 120 million Reichsmarks. The estimated over-all value is thus between 120 and 160 million Reichsmarks. (*176–PS*)

(2) *Household furnishings.* The entire furniture seizure action, known as "Action M", is summarized in a report of Von Behr, Chief of the Office West, dated 8 August 1944. The report furnishes the following statistics on results up to 1 July 1944:

Jewish homes confiscated		71,619
Loading capacity required	cu. ms	1,079,373
Railroad cars required		26,984
Foreign currency and securities confiscated	RM	11,695,516
Scrap metal, scrap paper, and textiles dispatched	kgms	3,191,352

(*L–188*)

The report goes on to list in detail the number of boxes of miscellaneous items seized, including china (199 boxes), curtains (72 boxes), coat hangers (120 boxes), toys (99 boxes), bottles (730 boxes), etc. The report concludes with an itemized statement of the number of wagons dispatched to various cities throughout Germany, to German camps, to SS Divisions, the German State Railways, the Postal Service, and the Police. (*L–188*)

(3) *Works of Art (East).* With reference to the work of the *Einsatzstab* in the Eastern Territories, Robert Scholz reported as follows:

> "In the course of the evacuation of the territory several hundred most valuable Russian ikons, several hundred Russian

> paintings of the 18th and 19th centuries, individual articles of furniture and furniture from castles were saved in co-operation with the individual Army Groups, and brought to a shelter in the Reich." (*1015-B-PS*)

In August 1943, just prior to the loss of Charcow by the Germans, 300 paintings of West European masters and Ukrainian painters, and 25 valuable Ukrainian carpets, mostly from the Charcow museum, were packed and shipped by the *Einsatzstab*. (*707-PS*)

Reporting on the withdrawal from the Ukraine, Staff Director Utikal accounted for the following materials:

From the Museum of Art at Charcow:

Ukrainian paintings	96
Western European paintings	185
Wood carvings and etchings	12
Carpets and tapestries	25

From the Ukrainian museum in Kiev:
Textiles of all sorts.
Collection of valuable embroidery patterns.
Collection of brocades.
Numerous items of wood, etc. (*035-PS*)

In addition Utikal reported shipment of a total of 131 cases containing: 10,186 books, the catalog of the "East" library, art folios, samples of magazines, Bolshevist pictures, and Bolshevist films. Utikal also stated:

> "Moreover an essential part of the prehistoric museum was transported away." (*035-PS*)

Another report on the shipment of works of art from the Ukraine, 12 September 1944, indicated the value of the contents of 85 chests of art objects:

> "There are a great many of the oldest ikons, works of famous masters of the German, Dutch and Italian schools of the 16th, 17th and 18th centuries, as well as works of the best Russian artists of the 18th and 19th centuries. On the whole, the contents include the most valuable works of the known Ukrainian art possession, which in themselves represent a value of many millions after a cursory appraisal." (*055-PS*)

Attached to the above report is a detailed inventory listing hundreds of individual objects.

Additional evidence as to the extent of material seized in Kiev is found in a secret note, 17 June 1944, dealing with measures taken prior to the Russian Occupation. The note reported the taking of materials from museums, archives, institutions, etc., during the autumn of 1943 on the order of the *Einsatzstab* and of the Reichs-commissar. During October there were sent to the Reich 40 railway trucks, carrying mostly goods belonging to the Central Research Institute of the Ukraine. The report concluded with the statement that when the Soviets entered the town nothing of value was left. (*1109–PS*)

On 28 September 1941, the General Commissar for White Ruthenia reported the seizure of art treasures in the area of Minsk, destined for Konigsberg and Linz. The value of these confiscations was stated to amount to millions of marks. (*1099–PS*)

(4) *Works of Art (West).* The Robert Scholz report declared that:

> "During the period from March 1941 to July 1944, the Special Staff for Pictorial Art brought into the Reich:
>
> *29 large shipments* including *137 freight cars* with *4,174 cases of art works.*" (*1015–B–PS*)

The report stated that a total of 21,903 art objects of all types had been counted and inventoried, and stated:

> "With this scientific inventory of a material unique in its scope and importance and of a value hitherto unknown to art research, the Special Staff for Pictorial Art has conducted a work important to the entire field of art. *This inventory work will form the basis of an all-inclusive scientific catalog in which should be recorded history, scope and scientific and political significance of this historically unique art seizure.*" (*1015–B–PS*)

The following is a summary of the inventory attached to the report:

Paintings	10,890
Plastics	583
Furniture	2,477
Textiles	583
Hand-made art objects	5,825
East Asiatic objects	1,286
Antiquities	259
Total	21,903

(*1015–B–PS*)

The report stated that the above figures would be increased since seizures in the West were not yet completed and it had not been possible to make a scientific inventory of part of the seized objects because of the lack of experts. (*1015–B–PS*)

As early as 28 January 1941, Rosenberg stated, with reference to properties seized in France alone:

> "* * * the value involved will come close to a billion Reichsmarks." (*090–PS*)

Scholz, in his report on activities from March 1941 to July 1944, expressed the value of the seizures as follows:

> "The extraordinary artistic and material value of the seized art works cannot be expressed in figures. The paintings, period furniture of the 17th and 18th Centuries, the Gobelins, the antiques and renaissance jewelry of the Rothschild's are objects of such a unique character that their evaluation is impossible, since no comparable values have so far appeared on the art market.
>
> "A short report, moreover, can only hint at the artistic worth of the collections. Among the seized paintings, pastels and drawings there are several hundred works of the first quality, masterpieces of European art, which could take first place in any museum. Included therein are absolutely authenticated signed works of Rembrandt van Rijn, Rubens, Frans Hals, Vermeer van Delft, Valasquez, Murillo, Goya, Sebastiano del Piombo, Palma Vecchio, etc.
>
> "Of first importance among the seized paintings are the works of the famous French painters of the 18th Century, with masterpieces of Boucher, Watteau, Rigaud, Largielliere, Rattler, Fragonard, Pater, Danloux and de Troy.
>
> "This collection can compare with those of the best European museums. It includes many works of the foremost French masters, who up to now have been only inadequately represented in the best German museums. Very important also is the representation of masterpieces of the Dutch Painters of the 17th and 18th Centuries. First of all should be mentioned the works of van Dyck, Saloman and Jacob Ruisdal, Wouvermann, Terborch, Jan Weenix, Gabriel Metsu, Adrian van Ostade, David Teniers, Pieter de Hooch, Willem van der Velde, etc.
>
> "Of foremost importance also are the represented works of English painting of the 18th and early 19th centuries, with masterpieces of Reynolds, Romney, and Gainsborough. Cranach and Amberger, among the German masters, should be mentioned.
>
> "The collection of French furniture of the 17th and 18th centuries is perhaps even more highly to be evaluated. This contains hundreds of the best preserved and, for the most part, signed works of the best known cabinet-makers from

> the period between Louis XIV to Louis XVI. Since German cabinetmakers played an important part in this golden age of French cabinetry, now recognized for the first time in the field of art, this collection is of paramount importance.
> "The collection of Gobelins and Persian tapestries contains numerous world-famous objects. The collection of handicraft works and the Rothschild collection of renaissance jewelry is valuable beyond comparison." (*1015–B–PS*)

The report refers to 25 portfolios of pictures of the most valuable works of the art collections seized in the West, which portfolios were presented to the Fuehrer. Ten additional portfolios are stated to be attached to the report and additional portfolios are said to be in prepartion. Thirty-nine leatherbound volumes prepared by the *Einsatzstab* contain photographs of paintings, textiles, furniture, candelabra, and numerous other objects of art and illustrate the magnitude and value of the collection made by *Einsatzstab Rosenberg.*

2. THE GENERAL-GOUVERNEMENT

A. *Confiscatory Laws and Decrees*

In October 1939 Goering issued a verbal order to Dr. Muehlmann asking him to undertake the immediate securing of all Polish art treasures. (*1709–PS*)

On 15 November 1939, Hans Frank, Governor-General for the Occupied Polish Territories, issued a decree providing in part:

> "Article 1. 1. All movable and stationary property of the Former Polish State * * * will be sequestered for the purpose of securing all manner of public valuables." (*1773–PS*).

On 16 December 1939, Frank issued a decree providing in part:

> "Article 1. All art objects in public possession in the General Gouvernement will be confiscated for the fulfillment of public tasks of common interest insofar as it has not already been seized under the decree on the confiscation of the wealth of the former Polish State in the General Gouvernement of 15 November 1939 (*Verordnungsblatt GGP*, p. 37).
>
> "Article 2. With the exception of art collections and art objects which were the property of the former Polish State, art objects will be considered as owned by the public:
>
> "1. Private art collections which have been taken under protection by the special commissioner for the seizure and safekeeping of the art and cultural treasures.
>
> "2. All ecclesiastical art property with the exception of

> those objects required for the daily performance of liturgic actions.
>
> "Article 3. 1. In order to determine whether art objects are public property in the sense of this regulation, every private and ecclesiastical art possession has to be registered with exact data on the kind, nature and number of pieces.
>
> "2. Everyone who possessed or at the present time is in possession of or else is entitled to dispose of such objects of art since 15 March 1939, is obliged to register the same." *(1773-PS)*

In order to implement the above decree, the following registration decree was issued in the name of the Governor General by Dr. Muehlmann, Special Deputy for the Securing of Art Treasures:

> "Article 2. 1. Objects of artistic, cultural-historical and historical value which originate from the time before 1850, have to be registered.
>
> "2. The registration includes the following:
>
> "*a*. Paintings.
> "*b*. Sculpture.
> "*c*. Products of handicraft (for instance antique furniture, chinaware, glass, golden and silver objects, Gobelins, rugs, embroideries, lacework, paramente, etc.).
> "*d*. Drawings, engravings, woodcuts, etc.
> "*e*. Rare manuscripts, musical manuscripts, autographs, book-paintings, miniatures, prints, covers, etc.
> "*f*. Weapons, armors, etc.
> "*g*. Coins, medals, seals, etc.
>
> "3. Regarding the art objects mentioned in section 2, detailed information has to be given if possible, on the master, the time of production, the contents of the representation, measurements and material (for instance, wood, canvas, bronze, etc.)." (*1773-PS*)

The seizures authorized by the above decrees ripened into confiscation and assumption of ownership by the General Gouvernement, with the issuance of the following decree by Frank on 24 September 1940:

> "Article 1. The property sequestered on the basis of Article 1, section 1 of the decree on the confiscation of the wealth of the former Polish State within the General Gouvernement of 15 November 1939 (*Verordnungsblatt GGP*, page 37) will be transferred to the ownership of the General Gouvernement." (*1773-PS*)

Heinrich Himmler, as Reichscommissioner for the Strengthening of Germanism, issued an "urgent decree" to the regional officers of the Secret Police in the Annexed Eastern Territories and the Commanders of Security Service in Krakau (Charkow), Radom, Warsaw, and Lublin. The decree, 1 December 1939, was circulated on 16 December 1939, the same date as the promulgation of the decree of Dr. Muehlmann, above referred to (*1773–PS*). The Himmler decree contained administrative directions for execution of the Art Seizure program. (*R–143*).

B. *Purpose of Art Seizures.*

The purpose of the Seizure Program is indicated in the aforementioned Himmler decree:

> "I
>
> "1. To strengthen Germanism in the defense of the Reich all articles mentioned in Section II of this decree are hereby confiscated. This applies to all articles located in the territories annexed by the Fuehrer's and Reich Chancellor's decree of 12/10/39, and the General Government for the Occupied Polish Territories. They are confiscated for the benefit of the German Reich and are at the disposal of the Reich Commissioner for the Strengthening of Germanism."
>
> * * * * * * *
>
> IV
>
> "All confiscations made before this decree by authorities of the Reich Fuehrer SS and the Chief of German Police and the Reich Commissioner for the Strengthening of Germanism are hereby confirmed. They are to be regarded as made for the benefit of the German Reich and are at the disposal of the Reich Commissioner for the Strengthening of Germanism." (*R–143*)

The methodical nature of the Art Seizure Program, and the existence of a general policy of confiscation of art treasures, is indicated in section V of Himmler's decree:

> "In due course the usual questionnaires for cataloguing confiscated articles are to be sent to the Chief Custodian East." (*R–143*)

The intention to enrich Germany by the seizures rather than merely to protect the seized objects is indicated in a report by Dr. Hans Posse, Director of the Dresden State Picture Gallery:

> "I was able to gain some knowledge on the public and private collections as well as clerical property in Cracow and Warsaw. It is true that we cannot hope too much to enrich ourselves from the acquisition of great Art works, of paint-

> ings and sculptures, with the exception of the Veit-Stoss Altar and the plates of Hans Von Kulmbach in the Church of Maria in Cracow . . . . . . and several other works from the National Museum in Warsaw. * * *" (*1600-PS)*

The avowed purpose of the art treasure seizures was the promulgation of German Culture throughout the Occupied East:

> "* * * the result is put down in the catalogue together with reproductions, and this is a definite proof of the penetration of the East by the German Cultural urge." (*1233-PS*)

C. *Nature, Extent, and Value of Property Seized.*

Virtually the entire art possession of Poland, private as well as public, was seized by the General Gouvernement (*1233-PS*). In a catalogue of the more important works of art seized by the General Gouvernement, paragraph 1 of the Foreword contains the following admission:

> "On the basis of the decree of the General Governor for the Occupied Polish Territories of December 16, 1939, the Special Delegate for the Safeguarding of Treasures of Art and Culture was able in the course of six months to secure almost the entire art treasure of the country, with one single exception: the Flemish Gobelin series from the castle in Cracow. According to the latest information, these are kept in France, so that it will be possible to secure them eventually." (*1233-PS*)

The nature and extent of materials seized by the General Gouvernement is indicated in Document *1709-PS*. The document inventories the objects seized, and divides them into two classifications: those of primary importance ("Reich-important"), and those of secondary importance. Articles of primary importance, totaling 521 separate objects, are also set forth in a descriptive catalogue. (*1233-PS*)

The articles catalogued include paintings by German, Italian, Dutch, French, and Spanish masters, rare illustrated books, Indian and Persian miniatures, woodcuts, the famous Veit-Stoss hand-carved altar, handicraft articles of gold and silver, antique furniture, articles of crystal, glass and porcelain, tapestries, antique weapons, rare coins, and medals. The objects were seized from both public and private sources, including the National Museum in Cracow and the National Museum in Warsaw, the cathedrals of Warsaw and Lublin, a number of churches and monasteries, the Chateau of the Kings in Warsaw, university and other libraries, and a large number of private collections of the Polish nobility. (*1709-PS*)

Items placed in the second category are of the same nature as those placed in category I. Approximately 500 separate items are catalogued, many of the items including a large number of separate objects treated under a single catalogue heading. (*1709-PS*)

The value of the objects seized from 22 collections is stated to be 9,437,000 Zloty. The materials referred to are only a portion of those selected as being of secondary importance. No valuation is given as to the balance of the items of secondary importance or as to the 521 objects selected as being of primary importance. (*1709-PS*)

D. *Evidence That Seizures Were Not Merely for Protective Purposes.*

In Dr. Posse's report (*1600-PS*), a number of items are referred to which may be found in the catalogue of art objects "made secure" (*1233-PS*):

> "I was able to gain some knowledge on the public and private collections as well as clerical property in Cracow and Warsaw. It is true that we cannot hope too much to enrich ourselves from the acquisition of great Art works, of paintings and sculptures, with the exception of the Veit-Stoss altar and the plates of Hans von Kulmbach in the Church of Maria in Cracow, the Raphael, Leonardo and Rembrandt from the collection Czartoryski, and several other works from the National Museum in Warsaw, * * * works of a rather high value of whose existence we in Germany had already known. Richer and more extensive is the Polish stock of 'objects d'art', such as handicraft in gold and silver, of German origin to a large part, particularly from the Church of Maria and the Cathedral of Wawel, tapestries, arms, porcelains, furniture, bronzes, coins, valuable parchment scrips, books, etc. * * *"

* * * * * * *

> "As I said before, I shall not be able to make proposals regarding the distribution as long as an inventory of the entire material does not exist. However, I should like to reserve for the museum at Linz the three most important paintings of the Czartoryski collection, namely the Raphael, Leonardo and Rembrandt which are at present in the Kaiser-Frederick Museum in Berlin. We in Dresden are particularly interested in the interior decorations of the castle of the Kings in War-

> saw since Saxonian architects and artists have created them; therefore, the suggestion is made that the salvaged parts of it (panellings, doors, inlaid floors, sculptures, mirrors, glass-chandeliers, porcelains, etc.) be used for the interior decoration of the Pavillion of the 'Zivinges' in Dresden." (*1600–PS*)

The following items listed in the above report are also listed in the catalogue:

Item	*Catalog No.*
Veit-Stoss Altar	241
Hans Vol Kulmbach Works	22
Raphael	141
Leonardo	134
Rembrandt	81
Church of Maria Handicraft	262-265, 279, 280
From Jagellonic Library	166, 167, 186, 199-203, 206, 209, 212, 215-224

(See *1233–PS*, *1600–PS*.)

Appendix 8 of Document *1709–PS* lists a large number of objects which were turned over to Architect Koettgen. The items listed include, in addition to paintings, tapestries, etc., plates, dishes, cups and saucers, vases, cream pitchers, glasses, a bread basket, a service tray, and other items of table service. These objects were turned over to the architect for the purpose of furnishing the Castle at Cracow and Schloss Kressendorf for the Governor. (*1709–PS*)

A number of objects were transported out of Poland and placed in Berlin in the Depot of the Special Deputy or in the safe of the Deutsche Bank (*1709–PS*). Items at this location are also listed in the catalog (*1233–PS*) as numbers 4, 17, 27, 35, 42, 45, 47, 51, 138, 141, 145, and 148.

Thirty-one sketches by Durer were taken from the collection Lubomierski in Lemberg:

> "The Special Deputy has personally handed over these sketches in July 1941 to the Reichsmarshal who took them to the Fuehrer at headquarters where they remain at the present time. On express direction of the Fuehrer they will stay in his possession for the time being." (*1709–PS*)

All art objects seized were screened for those which were important from the German point of view:

> "The Reich-important pieces were collected in a catalogue of the so called 'First Choice'. One copy of this catalogue has been submitted to the Fuehrer who reserved to himself the

first decision as to location and use of the art objects of the 'First Choice' ". (*1709–PS*)

Dr. Muehlmann, the "Special Deputy for the Safeguarding of Art Treasures" in the General Government, has confirmed that it was the policy and purpose of the art seizure program to confiscate the art treasures and to retain them for the benefit of Germany:

"I confirm, that it was the official policy of the Governor General, Hans Frank, to take into custody all important art treasures, which belonged to Polish public institutions, private collections and the Church. I confirm, that the art treasures, mentioned, were actually confiscated, and it is clear to me, that they would not have remained in Poland in case of a German victory, but that they would have been used to complement German artistic property." (*3042–PS*)

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